



**Swan Hill Rural  
City Council**

# **SCHEDULED COUNCIL MEETING**

Held on Tuesday 21 November 2023  
at 2:00 PM  
Council Chambers  
Swan Hill Town Hall  
53 – 57 McCallum Street, Swan Hill.  
VIC 3585

## **MINUTES**

**PUBLIC ACCESS**  
Open to the public and  
Live streaming from Council's  
website: [www.swanhill.vic.gov.au](http://www.swanhill.vic.gov.au)

Confirmed 19 December 2023

Chairperson.....

## Vision Statement

Built on strong foundations that embrace our rich History and natural environment, our region will be a place of progressions and possibility. We are a community that is happy, healthy and harmonious - we are empowered, we are respectful and we are proud.

## Our Mission

We will lead, advocate, partner and provide efficient services and opportunities for growth and the wellbeing of our community, environment and economy.

## Our Values

Council values our residents and community and will be responsive to their needs. In pursuing our objectives, we believe in, and are committed to, the following values:

**Community engagement** - We will ensure that our communities are consulted, listened to and informed.

**Leadership** - We will be at the centre of our community and by actively engaging our community we will form the collective view on strategic issues and will then express our views through strong advocacy and action.

**Fairness** - We will value and embrace the diversity of our community and ensure that all people are treated equally.

**Accountability**- We will be transparent and efficient in our activities and we will always value feedback.

**Trust** - We will act with integrity and earn the community's trust by being a reliable partner in delivering services, projects and providing facilities.

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## 1 Procedural Matters

### 1.1 Welcome

Mayor, Councillor Les McPhee assumed the chair and declared the Scheduled Council Meeting - 21 November 2023 open at 2:00 pm

### 1.2 Acknowledgement Of Country

Mayor, Councillor Les McPhee read the Acknowledgement of Country.

**"Swan Hill Rural City Council acknowledges the traditional custodians of the land on which we meet, and pays its respects to their elders, past and present."**

### 1.3 Prayer

Cr Kelly read the prayer.

**We beseech you Lord, that we may be granted wisdom, understanding and sincerity of purpose, in the decisions we are called on to make for the welfare of the people of the Rural City of Swan Hill.**

### 1.4 Apologies / Leaves of Absence

Nil

### 1.5 Directors / Officers Present

Scott Barber, Chief Executive Officer  
Heather Green, Director Development and Planning  
Bruce Myers, Director of Community and Cultural Services  
Bhan Pratap, Director of Corporate Services  
Leah Johnston, Director of Infrastructure  
Helen Morris, Organisational Development Manager  
Warrick Fisher, Planning Team Leader  
Dennis Hovenden, Economic Development Manager  
Dione Heppell, Livability and Project Development Coordinator  
Darren Rovere, Regulatory Services - Senior Authorised Officer  
Sharon Lindsay, Executive Assistant

### 1.6 Confirmation of Minutes

#### 1.6.1 Scheduled Council meeting held on Tuesday 17 October 2023

**Recommendation/s**

**That the minutes of the Scheduled Council meeting held on Tuesday 17 October 2023 be confirmed.**

**CM 2023/76 Motion**

**MOVED Cr Jeffery**

**That the minutes of the Scheduled Council meeting held on Tuesday 17 October 2023 be confirmed.**

**SECONDED Cr King**

**The Motion was put and CARRIED 7 / 0**

**1.7 Disclosures of Conflict of Interest**

Nil.

**1.8 Joint Letters and Reading of Petitions**

Nil.

**1.9 Public Questions Time**

**CM 2023/77 MOTION**

**MOVED Cr King**

**That standing orders be suspended at 2:02 pm.**

**SECONDED Cr Young**

**The Motion was put and CARRIED 7 / 0**

**Name: Gary Norton**

**QUESTION:**

**Question about the Safety in Werril Street, Swan Hill which is a residential street with a 50 kilometer speed limit, a popular walking and cycling street that has no formal footpath.**

**When is the Swan Hill Rural City Council going to put some sort of infrastructure eg. bollards, islands, better signage and possible weight limits to slow speeding cars and deter heavy transport vehicles such as B-Doubles/Wide loads etc before there are more accidents?**

**Response: Leah Johnston, Swan Hill Rural City Council - Director of Infrastructure**

Thank you for the question as this is a road that Council has also identified is of concern, due to the number of vehicles, light and heavy, that are using it. Traffic counts have been undertaken confirming the high use. The average annual daily traffic along Werril Street is 808 on the eastern side of Back Boga Road, and 946 on the western side of the intersection, with around 2% being articulated vehicles.

For information, Council has undertaken preliminary survey and design work on a range of concepts and alignments for the intersection of Dead Horse Lane / Werril Street / Back Boga Road intersection. The intent of this was to deter heavy vehicles from entering Werril Street and to direct these vehicles in a southerly direction to Back Boga Road and then on to the Murray Valley Hwy via Aerodrome Road. However, in order to accommodate this solution with a suitable curve, land acquisition would be required which will take an extensive amount of time and is a very expensive solution. Due to these issues it has not progressed further as it is unfunded, however, this option will still continue to be considered by Council as a longer term solution.

Other traffic calming solutions are now being considered.

It is noted that there currently is a sign at this intersection, stating 'detour for heavy vehicles', however it is agreed that it is too small and a sign prior to this location is desirable, noting that it may not make much difference as most freight using Werril Street would be regular users and would be aware of the street character and the option to use Back Boga Road anyway.

Council has also considered speed humps in Werril St, however these too are highly undesirable. They create a lot of road noise in a residential street, as cars brake and then thud over them and accelerate, and therefore are often considered undesirable in an urban environment due to unacceptable amenity concerns.

At this time, channelizing islands, dragon teeth linemarking or pinch points are being considered. The most effective solution is still to be identified. This work is now being undertaken and will involve community engagement with adjoining property owners noting that engagement with the freight and agriculture sector will also be key to this change.

It is intended that the most appropriate solution will be identified and implemented during the 24/25 financial year.

### **CM 2023/78 MOTION**

#### **MOVED Cr Moar**

**That standing orders be suspended at 2:06 pm.**

#### **SECONDED Cr Jeffery**

**The Motion was put and CARRIED 7 / 0**



## **1.10 Open Forum**

Nil.

## 2 Officer Reports for Decision

### 2.1 Mayoral Term of Office

**Directorate:** Chief Executive Officer  
**File Number:** S24-19-00  
**Purpose:** For Decision

#### Council Plan Strategy Addressed

**4. Leadership** - We will ensure accountable leadership, advocacy and transparent decision making.

#### 4.1 Excellent management and administration

4.1.2 Provide robust governance and effective leadership

#### Current Strategic documents

Council Plan

#### Declarations of Interest

Council Officers affirm that no general or material conflicts need to be declared in relation to the matter of this report.

#### Summary

Council must determine if the Mayoral term is for one year or two years.

#### Discussion

In accordance with Local Government Act 2020 Section 25 and 26:

1. At a meeting of the Council that is open to the public, the Councillors must elect a Councillor to be the Mayor of the Council.
2. Before a Mayor is elected under this section, the Council may resolve to elect a Mayor for a 1 year or 2 year term.
3. The Mayor is to be elected –
  - a. No later than one month after the date of a general election.
  - b. If the Mayor is elected for a 1 year or 2 year term, the next election of the Mayor must be held on a day to be determined by the Council that is as close to the end of the 1 year or 2 year term as is reasonably practicable.
  - c. A Mayor is to be elected within one month after any vacancy in the office of Mayor occurs.

## Financial Implications

Costs associated with Mayoral allowances and ancillary costs are included in the budget each year.

Mayors and Councillors are entitled to receive an allowance while performing their duty as an elected official. The Victorian Government sets the upper and lower levels for allowances paid to Councillors.

The Local Government Act 2020 has transferred responsibility for determining Mayoral and Councillor allowances to the Victorian Independent Remuneration Tribunal (Tribunal). The current determination is effective from 01 July 2023 and has determined the allowances up until 17 December 2026.

Councils are divided into three categories based on the income and population of each Council – Swan Hill is in Category 2.

Currently the value of the base allowances are:

- Mayor - \$102,650 p.a.;
- Deputy Mayor - \$51,325 p.a.;
- Councillor - \$31,980 p.a.

As of 18 December 2023 the allowances increase to:

- Mayor - \$105,424 p.a.;
- Deputy Mayor - \$52,713 p.a.;
- Councillor - \$32,877 p.a.

The value of the allowance payable to a Council member is inclusive of any Superannuation Guarantee Contribution amount, or equivalent, that may be payable under Commonwealth law.

**Attachments:** Nil

## Options

Council may elect the Mayor for either a one year or two year term.

## Recommendation/s

**That Council Elect a Mayor for a term of one year and the CEO conduct the Mayoral Election.**

**CM 2023/79 Motion**

**MOVED Cr Kelly**

**That Council Elect a Mayor for a term of one year and the CEO conduct the Mayoral Election.**

**SECONDED Cr Jeffery**

**The Motion was put and CARRIED 7 / 0**

**CM 2023/80 Motion**

**MOVED Cr King**

**That Council suspend Standing Orders for the outgoing Mayor's speech.**

**SECONDED Cr Moar**

**The Motion was put and CARRIED 7 / 0**

Councillor Les McPhee

Once again it has been an honor and privileged to serve as the Mayor of the Swan Hill Rural City Council over the past 12 months.

I have been fortunate to undertake the role of Mayor for 6 years of my 15 years as a Councillor, as the Mayor and a Councillor I am a strong advocate that we need to work in a team environment and be respectful of everyone's opinions.

The role of Mayor is not an easy one and it is explained in the Local Government Act, it is a lot more than just being able to chair a meeting. The role of mayor should not be shared around Councillors, we should be electing the most appropriate Councillor to undertake the role of Mayor.

I would like to thank my fellow Councillors, Council Staff and the entire community for the support that I have received during my term as Mayor.

I wish the incoming Mayor all the best.

**CM 2023/81 MOTION**

**MOVED Cr Moar**

**That standing orders be resumed at 2.08pm.**

**SECONDED Cr Kelly**

**The Motion was put and CARRIED 7 / 0**

Cr Les McPhee on behalf of Council acknowledge the passing of ex-councillor Richard Dwyer late last month. Richard was a Councillor from 1967-1973 and was Mayor in 1970-71.

Richard Dwyer more affectionally known as Dick Dwyer and he was one of the principals in the legal firm Dwyer, Mahon & Robertson. Our condolences to his family.

Cr Les McPhee vacated the Chair at 2.09pm and handed over to the Chief Executive Officer Scott Baber for the Election of the Mayor.

## 2.2 Election of Mayor 2023/24

**Directorate:** Chief Executive Officer  
**File Number:** S24-19-00  
**Purpose:** For Decision

### Council Plan Strategy Addressed

**4. Leadership** - We will ensure accountable leadership, advocacy and transparent decision making.

#### 4.1 Excellent management and administration

4.1.2 Provide robust governance and effective leadership

### Current Strategic documents

Council Plan  
Governance Rules

### Declarations of Interest

Council Officers affirm that no general or material conflicts need to be declared in relation to the matter of this report.

### Summary

This report outlines the process and statutory requirements for the election of Mayor. The election of the Mayor will take place as part of this report.

### Discussion

Under Section 25 of the Local Government Act 2020, the Councillors must elect a Councillor to be the Mayor of the Council.

Section 18 of the Local Government Act 2020 states that the Mayor of a Council takes precedence at all municipal proceedings within the municipal district and that the Mayor must take the chair at all meetings of the Council at which he or she is present.

The Mayor should lead the Council in relation to policy making and the setting of Council priorities.

The role of the Mayor is to:

- Chair Council meetings;
- Be the principal spokesperson for the Council;
- Lead engagement with the municipal community on the development of the Council Plan;



- Report to the municipal community, at least once a year, on the implementation of the Council Plan;
- Promote behaviour among Councillors that meets the standards of conduct set out in the Councillor Code of Conduct;
- Assist Councillors to understand their role;
- Take a leadership role in ensuring the regular review of the performance of the Chief Executive Officer;
- Provide advice to the Chief Executive Officer when the Chief Executive Officer is setting the agenda for Council meetings; and
- Perform civic and ceremonial duties on behalf of Council.

Prior to the election of the Mayor it is customary to allow the outgoing Mayor the opportunity to speak of their time in the role.

The process to Elect a Mayor will be conducted by the CEO in accordance with the Local Government Act 2020 and the Swan Hill Rural City Council's Governance Rules 2020.

### **Financial Implications**

There is no provision in the Act for a separate allowance for Mayor.

### **Recommendation/s**

**That Council, following the election of the Mayor, suspend standing orders to robe the Mayor.**

The Chief Executive Officer Scott Barber called for nominations for Swan Hill Rural City Council's Mayor 2023/24.

Cr Bill Moar nominated Councillor Stuart King.

Councillor Stuart King accepted the nomination.

The Chief Executive Officer Scott Barber then called for any more nominations, there being no further nominations Councillor Stuart King was elected the Mayor of Swan Hill Rural City Council.

### **CM 2023/82 Motion**

#### **MOVED Cr Moar**

**That Council suspend standing orders to robe the Mayor and for the Mayor's speech at 2.11pm.**

#### **SECONDED Cr Jeffery**

**The Motion was put and CARRIED 7 / 0**

Mayor Councillor Stuart King

I would like to thank everyone for this opportunity and firstly I would like to acknowledge Councillor McPhee who has been a stalwart for 15 years as a Councillors and 6 terms as Mayor, I know that he has had some trying times in the past 12 months personally and I wanted to really acknowledge Councillor McPhee for his contribution, not just to Council but to the entire community for his leadership particularly through difficult times. I thank him for his mentorship with me as Deputy Mayor over the past 12 months - Thank you very much Councillor McPhee.

Thank you fellow Councillors, thank you family, thank you friends and thank you to my employees (even though there not here because they are working) and especially to the community for the support and encouragement to take this role.

I particularly want to thank my wife for her encouragement to take this on as well - thank you very much.

It is an honor and a privilege to lead our Municipality and that honor and privilege is not lost on me. I will do my utmost to lead, to listen, represent the municipality and the region well and act on behalf of all that I have been elected to represent.

I want to continue the great work of this Council and support the staff to outwork our plan and our vision particularly in the last 12 months of our Council term.

Thank you.

The former Mayor Cr Les McPhee then robed the Mayor Cr Stuart King.

The Mayor Cr Stuart King assume the Chair at 2.16pm.

**CM 2023/83 MOTION**

**MOVED Cr Jeffery**

**That standing orders be resumed at 2.16pm.**

**SECONDED Cr Moar**

**The Motion was put and CARRIED 7 / 0**

## 2.3 Election of Deputy Mayor 2023/24

**Directorate:** Chief Executive Officer  
**File Number:** S24-19-02  
**Purpose:** For Decision

### Council Plan Strategy Addressed

**4. Leadership** - We will ensure accountable leadership, advocacy and transparent decision making.

#### 4.1 Excellent management and administration

4.1.2 Provide robust governance and effective leadership

### Current Strategic documents

Council Plan  
Governance Rules

### Declarations of Interest

Council Officers affirm that no general or material conflicts need to be declared in relation to the matter of this report.

### Summary

The Local Government Act 2020 does not require Council to have a Deputy Mayor, however Council has previously resolved to have a Deputy to support the Mayor and Council.

### Discussion

Council adopted a Deputy Mayor Position Policy (**POL/GOV006**) to support the position of Mayor and the operations of the Council in September 1999. This policy was last reviewed in June 2021.

The position of Deputy Mayor is necessary to facilitate the smooth and uninterrupted civic, statutory and policy-making functions of Council in the absence of the Mayor.

Swan Hill Rural City Council "Governance Rules 2020", Section 5.2 stipulates that the procedure for the election of Deputy Mayor shall be the same as that for the Mayor.

Part 2, Division 3, Section 20B of the Local Government Act 2020 provides that:

- If there is a vacancy in the office of Mayor or the Mayor is absent, incapable of acting or refusing to act, the Council must appoint one of the Councillors to be the Acting Mayor.

- An Acting Mayor may perform any function or exercise any power conferred on the Mayor.

It would be appropriate for the Deputy Mayor to act as Acting Mayor for the purposes of Division 3 20A, however Council may appoint any Councillor to be Acting Mayor.

The election of the Deputy Mayor will follow the same process as the election of the Mayor except that the Mayor will conduct the election.

### **Financial Implications**

There is no provision in the Act for a separate allowance for Deputy Mayor.

**Attachments:** Nil

### **Options**

Council may or may not elect a Deputy Mayor.

### **Recommendation/s**

**That Council Elect a Deputy Mayor and the Mayor conduct the election of Deputy Mayor.**

**CM 2023/81 Motion**

**MOVED Cr Kelly**

**That Council Elect a Deputy Mayor and the Mayor conduct the election of Deputy Mayor.**

**SECONDED Cr Jeffery**

**The Motion was put and CARRIED 4 / 3**

Cr McPhee called for a division

**For:** Cr King, Cr Jeffery and Cr Moar

**Against:** Cr Kelly, Cr McKay, Cr McPhee and Cr Young

**The Motion was LOST**

**CM 2023/82 Motion**

**MOVED Cr McPhee**

**That Council not Elect a Deputy Mayor.**

**SECONDED Cr McKay**

**The Motion was put and CARRIED 4 / 3**





## 2.4 Planning Application - 23 Ray Road Beverford – Re-subdivision of Land in Farming Zone

**Directorate:** Development and Planning  
**File Number:** **PLN2023051**  
**Purpose:** For Decision

### EXECUTIVE SUMMARY

<b>Application Number:</b>	PLN2023051
<b>Proposal:</b>	Subdivision of Land (3 lot re-subdivision) in the Farming Zone
<b>Applicant's Name:</b>	Roy Costa Planning & Development
<b>Address:</b>	23 Ray Road, Beverford VIC 3585
<b>Land Size:</b>	7.324 ha
<b>Zoning:</b>	Farming Zone (FZ)
<b>Overlays:</b>	Specific Controls Overlay - Schedule 1 (SCO1)
<b>Referral Authorities:</b>	Engineering Internal Referral
<b>Why is a Permit Required?</b>	Clause 35.07-3 - Subdivision
<b>Lodgement date:</b>	07/06/2023
<b>Relevant SHRCC VCAT decisions</b>	<a href="#">Refer Officers Report</a>

### Declarations of Interest:

Council Officers affirm that no general or material conflicts need to be declared in relation to the matter of this report.

### Recommendation

#### That Council:

Refuse to grant a planning permit for the Subdivision of Land (3 lot re-subdivision) in the Farming Zone at 23 Ray Road Beverford for the following reasons:

1. The proposal is contrary to Clause 02.03-4 (Natural Resource Management) of the Municipal Planning Strategy in relation to the

protection of agricultural land and discouraging small lot subdivision in rural areas that undermines the productive agricultural base of the Swan Hill Rural City Council.

2. The proposal is contrary to Clause 14.01 (Agriculture) of the Planning Policy Framework, as it will result in inappropriate fragmentation of rural land and small lot subdivision is discouraged for personal and financial circumstances, and for rural lifestyle purposes. Small lot subdivision is also discouraged unless the balance lot is at least the minimum lot size specified in the zone (20ha), which the proposal does not meet.
3. The proposal is contrary to the Farming Zone's purpose and decision guidelines in the protection and retention of productive agricultural land.
4. The proposal will set a precedent for similar Farming Zone land within the municipality that would contradict the purpose and decision guidelines of the Farming Zone and threaten the productive agricultural base of the Swan Hill Rural City Council.
5. The applicant has not provided adequate evidence that the existing dwelling has existing use rights in accordance with Clause 63 of the Swan Hill Planning Scheme.

A comprehensive assessment of the proposal against the relevant provisions of the Swan Hill Planning Scheme is contained in the attached officer report.



Figure 2: Aerial image of subject land (Source: VicPlan)

Figure 1 – Aerial image of subject land and existing lots

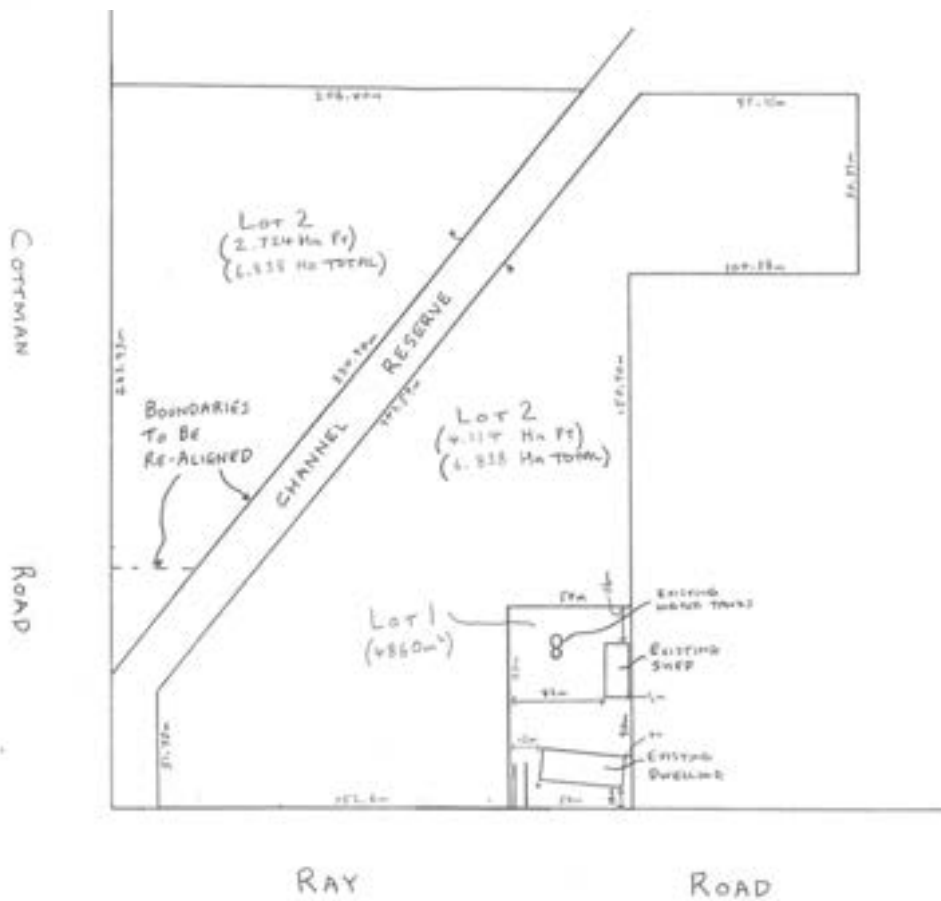


Figure 2 – Proposed Subdivision



Figure 3: Aerial image of surrounding area

Figure 3 – Aerial image of surrounding area

**Key Points / Issues:**

- The application proposes the re subdivision of land (3-lots) in the Farming Zone with a total land area of 7.328 hectares to create 2 lots. The subdivision proposes the creation of an allotment for the existing dwelling, by excising the dwelling from the farming land. The subdivision is detailed as:
  - i. Proposed Lot 1: 0.486 hectares and proposed to accommodate the existing dwelling and associated outbuilding.
  - ii. Proposed Lot 2: 6.838 hectares being the balance lot currently cleared of old horticultural plantings.
- This application is for subdivision of land in the Farming Zone is strongly discouraged by the Swan Hill Planning Scheme.
- It is acknowledged a permit may be granted to create a smaller lot in accordance with Clause 35.07-3, but the creation of a smaller lot/s must be assessed against the relevant planning policy, Municipal Planning Strategy (MPS) and decision guidelines of the Swan Hill Planning Scheme and as outlined in the attached officer report.
- It is considered the proposal is contrary to not only the purpose and decision guidelines of the Farming Zone, the application fails to be supported by planning policy and the MPS.
- Planning policy discourages small lot subdivisions unless the balance lot is at least the minimum lot size specified in the Zone. In this instance, the proposal is creating a small lot for 'lifestyle' purposes and a balance lot of only 6.838 hectares which is well below the minimum 20 hectares specified in the Schedule to the Farming Zone.
- Any application submitted to Council for assessment must also contain adequate information to enable a decision to be made. The application as submitted did not contain adequate information to justify the proposal. The application was not supported by a farm management plan demonstrating how the subdivision will benefit the future farming use of the land.
- Dwelling excisions on rural allotments of this nature can have detrimental effects on the future operation of farming land if the subdivision does not have a direct relationship with the farming activity on the land.
- It is unfortunate there have been many dwelling excisions allowed in the Farming Zone across the municipality, creating residential allotments in the Farming Zone. This can cause 'right to farm' issues, unnecessary land use conflicts and loss of agricultural land. Allowing excisions of dwellings on farming lots creates residential areas within the Farming Zone that slowly over time create a greater loss of agricultural land. The poor planning outcomes of previous decisions should not be a consideration of whether to approve the current application.
- The excised dwelling lot is also too small for any sustainable and productive farming use. This removes the land from any future agricultural production.
- There are a considerable number of recent VCAT decisions within the Swan Hill Rural City Council municipality for similar Farming Zone subdivision applications that do not support this type of subdivision. The VCAT decisions are discussed in more detail in the attached officer report.

### Policy Impacts:

The proposed subdivision is contrary to the following critical Municipal Planning Strategy (MPS) and Planning Policy Framework (PPF) of the Swan Hill Planning Scheme:

### **Municipal Planning Strategy (MPS):**

The proposal is contrary to the following:

- Clause 02-03-4 Natural resource management

This Clause seeks to protect the protection of agricultural land and discourages small lot subdivision in rural areas that undermines the productive agricultural base of the Swan Hill Rural City Council.

### **Planning Policy Framework (PPF):**

The proposal is contrary to the following:

- Clause 14.01-1S – Protection of agricultural land
- Clause 14.01-1L – Agriculture

The proposal is contrary to Clause 14.01 (Agriculture) of the PPF for the following reasons:

1. It will result in inappropriate fragmentation of rural land.
2. Small lot subdivision is discouraged for personal and financial circumstances, and for rural lifestyle purposes.
3. Small lot subdivision is discouraged unless the balance lot is at least the minimum lot size specified in the zone (20ha), which the proposal does not meet.

The attached officer report provides further specific details on how the proposal is contrary to the MPS and PPF.

### **Consultation:**

#### Advertising

The application was advertised pursuant to Section 52 of the Planning and Environment Act 1987 by:

- Sending notices to the owners and occupiers of adjoining and surrounding land.

No submissions were received.

#### Referrals



The application was referred internally to the Engineering Department and approved subject to 1 condition regarding stormwater runoff.

**Financial Implications:**

N/A

**Social Implications:**

N/A

**Economic Implications:**

The continued approval of “rural living” lots in the farming zone increases the value of the land – including land used for farming. The compounding impact is land is lost to farming due to the increased value.

**Environmental Implications:**

N/A

**Risk Management Implications:**

N/A

**Conclusion:**

This application is contrary to the MPS, PPF and the Farming Zone as outlined in this report and the attached officer report from the Planning Department.

The proposal constitutes another attempt to undertake a rural subdivision that is inadequately justified in accordance with the Swan Hill Planning Scheme and does not provide an agricultural benefit.

As mentioned in this report, it is unfortunate there have been many dwelling excisions allowed in the Farming Zone across the municipality over many years that have led to fragmentation of agricultural land and created residential allotments in the Farming Zone. VCAT decisions within the municipality have determined this type of rural subdivision is inappropriate.

Should this application be approved by Council, it will continue to set a precedent that Council considers this type of rural subdivision is appropriate, contrary to the Swan Hill Planning Scheme and VCAT decisions for similar applications.

**Options**

1. Council issues a Notice of Decision to Refuse to Grant a Planning Permit
2. Council issues a Planning Permit subject to the conditions outlined in the attachment.

- Attachments:**
1. Amended Proposed Plan [2.4.1 - 1 page]
  2. Applicant Submission [2.4.2 - 6 pages]
  3. Officers Report [2.4.3 - 19 pages]
  4. Proposed Planning Conditions [2.4.4 - 2 pages]

### **CM 2023/83 Motion**

**MOVED Cr McKay**

**That Council:**

**Issues a planning permit to grant a Subdivision of Land (3 lot re-subdivision) in the Farming Zone at 23 Ray Road Beverford subject to the conditions in the attachment.**

**SECONDED Cr Young**

**The Motion was put and LOST 2 / 5**

### **CM 2023/84 Motion**

**MOVED Cr Jeffery**

**That Council:**

**Refuse to grant a planning permit for the Subdivision of Land (3 lot re-subdivision) in the Farming Zone at 23 Ray Road Beverford for the following reasons:**

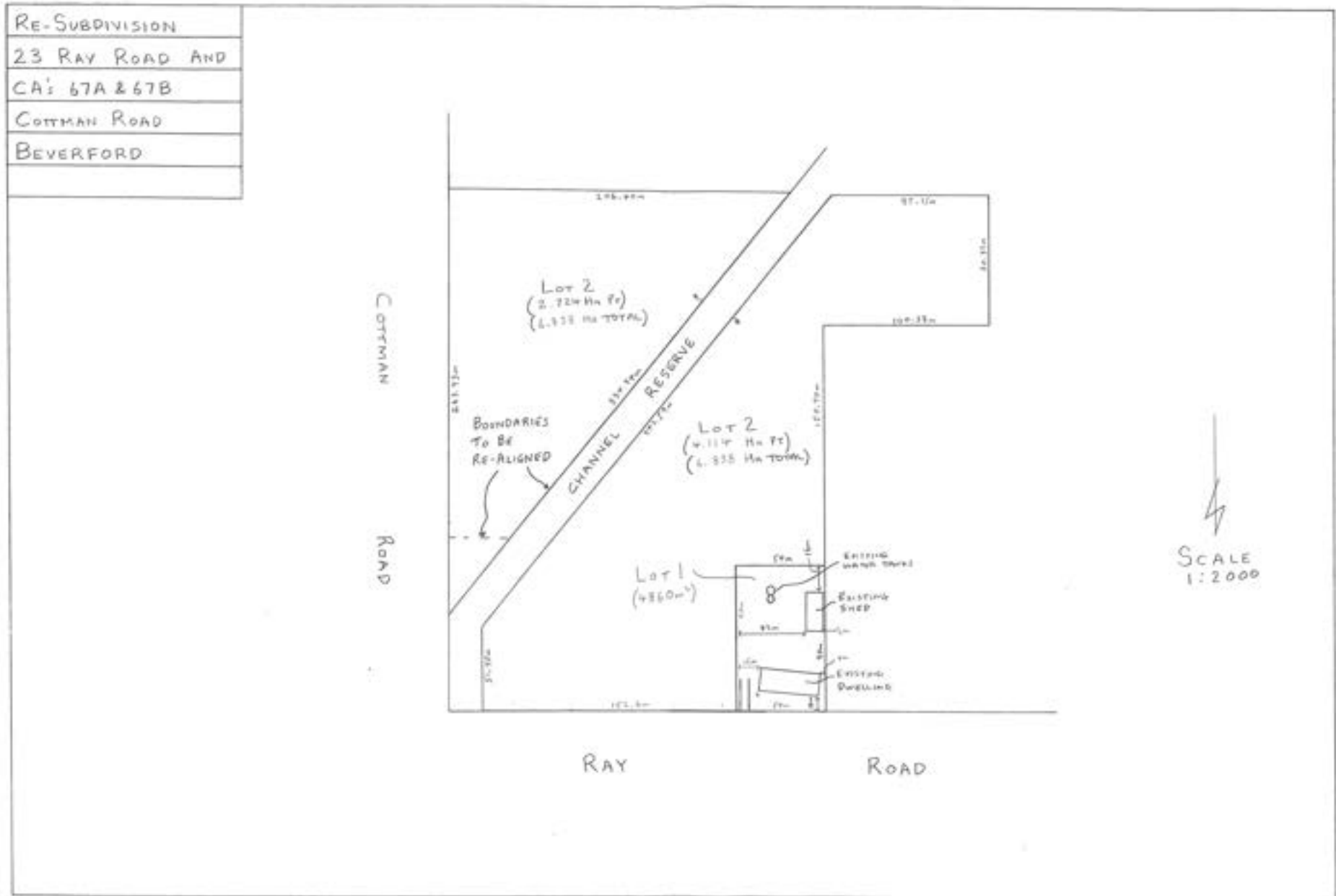
1. The proposal is contrary to Clause 02.03-4 (Natural Resource Management) of the Municipal Planning Strategy in relation to the protection of agricultural land and discouraging small lot subdivision in rural areas that undermines the productive agricultural base of the Swan Hill Rural City Council.
2. The proposal is contrary to Clause 14.01 (Agriculture) of the Planning Policy Framework, as it will result in inappropriate fragmentation of rural land and small lot subdivision is discouraged for personal and financial circumstances, and for rural lifestyle purposes. Small lot subdivision is also discouraged unless the balance lot is at least the minimum lot size specified in the zone (20ha), which the proposal does not meet.
3. The proposal is contrary to the Farming Zone's purpose and decision guidelines in the protection and retention of productive agricultural land.
4. The proposal will set a precedent for similar Farming Zone land within the municipality that would contradict the purpose and decision guidelines

of the Farming Zone and threaten the productive agricultural base of the Swan Hill Rural City Council.

5. The applicant has not provided adequate evidence that the existing dwelling has existing use rights in accordance with Clause 63 of the Swan Hill Planning Scheme.

**SECONDED Cr McPhee**

The Motion was put and **CARRIED 4 / 3**





**ROY COSTA PLANNING & DEVELOPMENT**

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

Our Ref: 23-040  
Your Ref:

1 June 2023

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

Dear Sir/Madam,

**PLANNING APPLICATION  
RE-SUBDIVISION  
23 RAY ROAD AND CA'S 67A & 67B COTTMAN ROAD BEVERFORD**

Enclosed, please find a planning application lodged on behalf of the owners, proposing the re-alignment of boundaries of the above properties.

At present the following exists:

- |                       |         |   |
|-----------------------|---------|---|
| • 23 Ray Road         | 4.6ha   | Dwelling, Shed, Water Tanks & Vacant Land |
| • CA 67A Cottman Road | 2.638ha | Vacant Land                               |
| • CA 67B Cottman Road | 0.086ha | Vacant Land                               |

It should be noted that the land did have old horticultural plantings upon the land, that have been removed.

The current owners have sold proposed Lot 2 to purchasers seeking to redevelop the land into new horticultural production.

The purchasers have no requirement for the dwelling and to include the dwelling in the purchase inflates the property value that would make it non-viable for the re-development of the land for horticultural purposes.

Furthermore, the owners wish to remain in the dwelling for their retirement; and have an area for the growing of vegetables and garden.

This application is seeking to re-align the boundaries between the three existing allotments to create the following:

- |         |                    |                                |
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| • Lot 1 | 8860m <sup>2</sup> | Dwelling, Shed and Water Tanks |
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PLANNING INSTITUTE AUSTRALIA – REGISTERED PLANNER (RPIA)

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







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# Planning Assessment Report

## Delegate Report

### Application Details

<b>Application Number:</b>	PLN2023051	<b>Planner:</b>	Warrick Fisher
<b>Application Description:</b>	Subdivision of Land (3 lot re-subdivision) in the Farming Zone		
<b>Application Received:</b>	07 June 2023		
<b>Land / Address:</b>	23 Ray Road and Cottman Road, Beverford VIC 3585 Crown Allotments 67, 67A and 67B, Section B1, Parish of Tyntynder		
<b>MPS:</b>	Clause 02.03- 4		
<b>PPF:</b>	Clause 14.01		
<b>Zoning:</b>	Clause 35.07 Farming Zone (FZ)		
<b>Overlays:</b>	NIL		
<b>Land Use Terms:</b>	Subdivision		
<b>Under what clause(s) is a permit required?</b>	Clause 35.07-3 – Subdivision		
<b>Restrictive covenants on title?</b>	Nil		
<b>Current Use &amp; Development:</b>	Dwelling and outbuilding, horticulture		
<b>Is a Cultural Heritage Management Plan Required?</b>	No		
<b>Relevant SHRCC VCAT Decisions</b>	<ol style="list-style-type: none"> <li>1. <b>Davoli v Swan Hill RCC [2023] VCAT P819/2023 (27 October 2023)</b> 124 Lae Road, Robinvale <b>Permit applicant: Roy Costa Planning &amp; Development</b> Verbal decision by VCAT</li> <li>2. <b>Zappia v Swan Hill RC [2008] VCAT 1446 (16 July 2008)</b> 3 Timor Road, Robinvale <b>Permit applicant: Roy Costa Planning &amp; Development</b> <a href="https://www8.austlii.edu.au/cgi-bin/viewdoc/au/cases/vic/VCAT/2008/1446.html?context=1;query=swan%20hill;mask_path=au/cases/vic/VCAT">https://www8.austlii.edu.au/cgi-bin/viewdoc/au/cases/vic/VCAT/2008/1446.html?context=1;query=swan%20hill;mask_path=au/cases/vic/VCAT</a></li> <li>3. <b>Burns v Swan Hill RCC [2023] VCAT 1184 (25 October 2023)</b> 5 Little Murray Weir Road, Castle Donnington <b>Permit applicant: Roy Costa Planning &amp; Development</b> <a href="https://www8.austlii.edu.au/cgi-bin/viewdoc/au/cases/vic/VCAT/2023/1184.html?context=1;query=burns%20v%20swan%20hill;mask_path=au/cases/vic/VCAT">https://www8.austlii.edu.au/cgi-bin/viewdoc/au/cases/vic/VCAT/2023/1184.html?context=1;query=burns%20v%20swan%20hill;mask_path=au/cases/vic/VCAT</a></li> </ol>		

**Subject Site & Locality**

The subject land is located on the south-western corner of the intersection of Ray Road and Cottman Road, Beverford. The land is approximately 750m directly south of the Beverford township and 12.5km north-west of the Swan Hill CAD.

The site comprises 3 parcels of land with a total site area of 7.328 hectares. There is no existing farming use on the land. The land has been cleared.

The site has previously been used for horticultural purposes, with a dwelling and outbuilding located to the north-west corner of the land fronting Ray Road. There is an existing access to the road for the existing dwelling.

A GMW irrigation channel reserve diagonally dissects the property from the north-east to the south-west. The channel reserve separates the existing title arrangements. The channel reserve provides irrigation for the surrounding properties.

The site has frontage to Ray Road and Cottman Road.

No overlays affect the land and there are no notable site features.

Land within the immediate area of the subject site is used primarily for intensive horticultural purposes and located in the Farming Zone.



Figure 1: Existing Plan of Subdivision of each lot



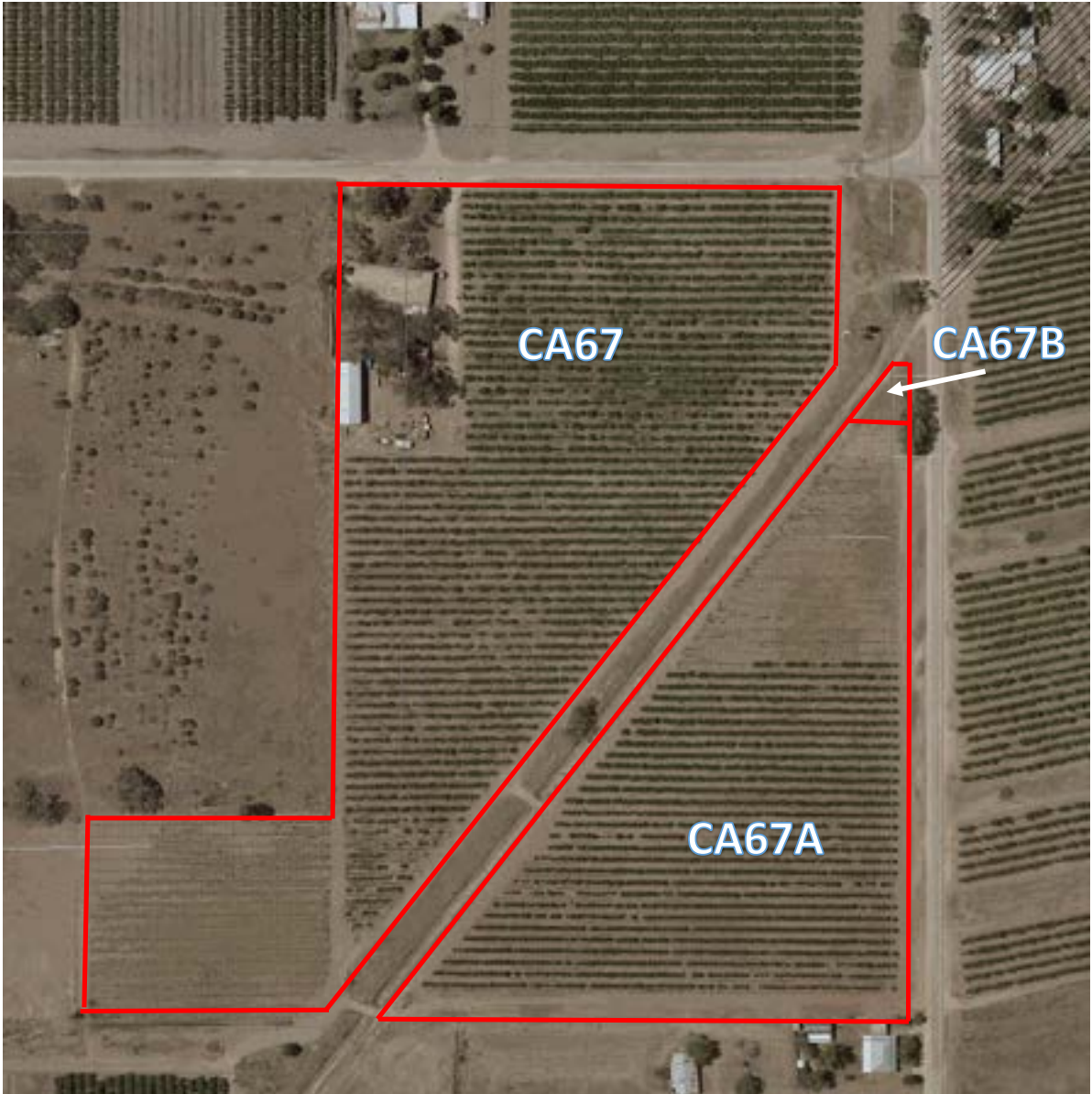


Figure 2: Aerial image of subject land (Source: VicPlan)

The surrounding land comprises intensive horticultural land uses and development. There are dwellings on many of the surrounding allotments and some have been excised from the horticultural allotments creating residential allotments in the Farming Zone.

There is a dwelling directly across Ray Road from the existing dwelling on the land. There is a dwelling abutting the southern boundary of the land and across Cottman Road.



Figure 3: Aerial image of surrounding area

**Proposal**

The application proposes the subdivision of land (3-lot re-subdivision) in the Farming Zone with a total land area of 7.328 hectares to create 2 lots. The subdivision proposes the creation of an allotment for the existing dwelling, ultimately excising the dwelling from the farming land. The subdivision is detailed as:

1. Proposed Lot 1: 0.486 hectares and proposed to accommodate the existing dwelling and associated outbuilding.
2. Proposed Lot 2: 6.838 hectares being the balance lot currently cleared of old horticultural plantings.

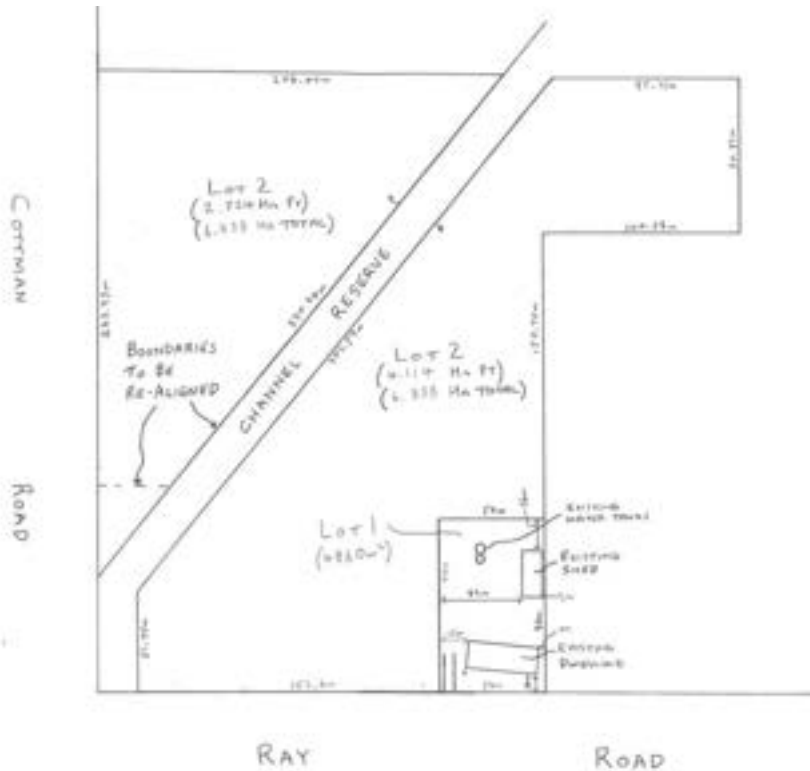


Figure 4: Proposed plan of subdivision submitted with the application as amended during the application process

The application contained the following information/documents:

1. Application form
2. Copy of Certificate of Title and Title Plan for each lot
3. Proposed hand drawn plan of subdivision
4. Written planning report
5. CHMP declaration.

The original application documentation described the purpose of the subdivision as:

*'The It should be noted that the land did have old horticultural plantings upon the land, that have been removed.*

*The current owners have sold proposed Lot 2 to purchasers seeking to redevelop the land into new horticultural production.*

*The purchasers have no requirement for the dwelling and to include the dwelling in the purchase inflates the property value that would make it non-viable for the re-development of the land for horticultural purposes.*

*Furthermore, the owners wish to remain in the dwelling for their retirement; and have an area for the growing of vegetables and garden.*

*This application is seeking to re-align the boundaries between the three existing allotments to create the following:*

- Lot 1 8860m2 Dwelling, Shed and Water Tanks
- Lot 2 6.438ha Vacant Land for new Horticultural Production

*The intention and reasons for the re-subdivision have been detailed above; and how the proposal meets the provisions of the Swan Hill Planning Scheme are detailed below.*

*In summary, the re-alignment of boundaries around the existing dwelling upon the land is to enable Mr & Mrs Stanton to retire within their existing dwelling upon the land; and sell the large parcel of land for new horticultural production.*

*There is no intention for the construction of a dwelling upon proposed lot 2 and our clients consent to a condition being placed upon the permit requiring a Section 173 Agreement to be entered into prohibiting the construction of a dwelling upon Lot 2 of this subdivision.'*

The application indicates the balance lot is being sold for horticultural redevelopment but there is no further detail in the application documentation regarding this statement.

### Permit Application History

Below is a review of the permit application history:

- The application was submitted to Council on 07/06/2023.
- The outcome of the proposal is almost identical to a recent VCAT decision that upheld Council's decision to refuse the application for a 2 lot subdivision (dwelling excision) in the Farming Zone at 124 Lae Road, Robinvale (*P819/2023 Davoli v Swan Hill RCC 2023*). The plan below (Figure 5) was the proposed subdivision plan relied upon in the VCAT decision and both lots are less than the 20 hectare minimum lot size of the Schedule to the Farming Zone. The application before Council also proposes lots that are both less than the 20 hectare minimum lot size of the Schedule to the Farming Zone and note the proposed balance lot is only 6.838 hectares, which is even smaller than the application refused by VCAT.

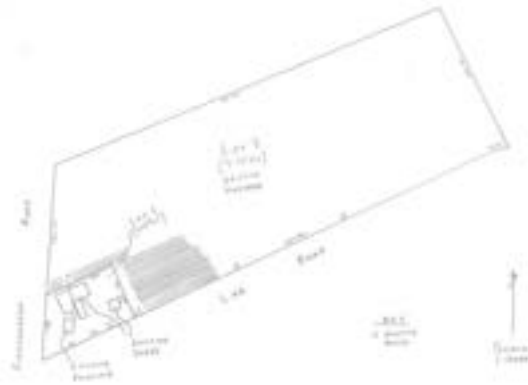


Figure 5: Proposed plan of subdivision refused by VCAT for 124 Lae Road, Robinvale

- Further information was requested on 15/06/2023. The request advised the applicant the application as submitted creates an unnecessary loss of horticultural land and is not consistent with the decision guidelines of the Farming Zone and the planning policy framework of the Swan Hill Planning Scheme. The applicant was also requested to provide an amended plan to reduce the dwelling lot and provide setbacks of existing buildings.
- The response dated 06/07/2023 from the above RFI requested the application be determined as submitted and did not wish to reduce the size of the dwelling lot.
- On 11/07/2023, an RFI unsatisfactory letter was sent to the applicant advising the information submitted did not satisfy the initial RFI request. An extension of time until 13/09/2023 to provide the information.
- On 01/08/2023, the applicant provided an amended plan reducing the lot size of the dwelling lot to 0.486ha. There was no additional information to justify the proposal in accordance with the Farming Zone or planning policy.
- The application was advertised between 15/08/2023 and 29/08/2023. No objections were received at the time of writing this report.
- On 03/10/2023, a letter was sent to the applicant advising the application will not be supported by the Planning Department.
- The application was not referred under Section 55 of the Act or internally to any Council departments as it was not deemed necessary given the intention to refuse the application.
- On 27/09/2023, the applicant was invited to attend a Council Assembly session schedule for 10/10/2023.
- On 03/10/2023 the applicant was sent a formal follow up letter advising the Planning Department has considered the application and recommend the application be refused as it is contrary to relevant planning policy, Farming Zone purpose and decision guidelines, and sets a precedent for this type of application in the Farming Zone. The applicant was advised prior to the Council Assembly session of the Planning Department recommendation.
- The applicant attended and presented at the Council Assembly meeting dated 10/10/2023.
- The application is scheduled to be determined at Council's 21 November 2023 Ordinary Meeting of Council.



### Site History

There is no relevant site history.

### Restrictive Covenant / Section 173 Agreement

Nil

### Public Notification

The application was advertised pursuant to Section 52 of the *Planning and Environment Act 1987*, by:

- Sending notices to the owners and occupiers of adjoining and surrounding land

The advertising period was between 15/08/2023 and 29/08/2023.

There were no objections received at the time of writing this report.

### Cultural Heritage Management Plan

Not required.

### Referrals

The application was not referred under Section 55 of the Act but was referred internally to Council's Engineering Department.

The Engineering Department consented to the application subjected to ensuring stormwater runoff is retained within each lot.

### Municipal Planning Strategy (MPS)

#### Clause 02-03-4 Natural resource management

This clause is based around the need to preserve and protect the valuable agricultural and horticultural land within the municipality, particularly from the impacts of additional dwellings or small lot subdivisions in farming areas. The clause also recognises that significant fragmentation has already occurred, particularly in high value irrigated areas close to the Murray River.

The clause goes on to include the following statements:

*In order to manage the natural resources in the Rural City, Council will:*

- ***Protect horticultural and dryland agriculture because it is fundamental for economic growth.***
- ***Discourage small lot subdivision in rural areas that undermines the productive agricultural base of the Rural City.***
- ***Discourage dwellings in rural areas that are not related to agriculture.***
- *Discourage land uses in the Farming Zone that are not directly related to agriculture, or that have an adverse impact on agricultural opportunities.*
- *Support rural industry so long as it is associated with a rural activity.*
- *Direct rural industries to locations where the impact on agricultural land and off-site effects are minimised, and where good road access is available.*
- *Encourage the proper siting and design of intensive animal production to protect residential amenity and environmental quality.*

It is considered the proposal is contrary to Clause 02.03-4 (Natural Resource Management) of the Municipal Planning Strategy in relation to the protection of agricultural land and discouraging small lot subdivision in rural areas that undermines the productive agricultural base of the Swan Hill Rural City Council.

## Planning Policy Framework (PPF)

The proposal is contrary to the following clauses in Clause 14.01 of the PPF:

0

- Clause 14.01-1S – Protection of agricultural land
- Clause 14.01-1L – Agriculture

The proposal is contrary to Clause 14.01 (Agriculture) of the PPF for the following reasons:

1. It will result in inappropriate fragmentation of rural land.
2. Small lot subdivision is discouraged for personal and financial circumstances, and for rural lifestyle purposes.
3. Small lot subdivision is discouraged unless the balance lot is at least the minimum lot size specified in the zone (20ha), which the proposal does not meet.

The above sections of the PPF are further detailed below and note Clause 14.01-1L provides detailed policy regarding small lot subdivisions.

### Clause 14.01 – Agriculture

#### Clause 14.01-1S Protection of agricultural land

##### Objective

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

##### Strategies

- Identify areas of productive agricultural land, including land for primary production and intensive agriculture.
- Consider state, regional and local, issues and characteristics when assessing agricultural quality and productivity.
- Avoid permanent removal of productive agricultural land from the state's agricultural base without consideration of the economic importance of the land for the agricultural production and processing sectors.
- Protect productive farmland that is of strategic significance in the local or regional context.
- Protect productive agricultural land from unplanned loss due to permanent changes in land use.
- Prevent inappropriately dispersed urban activities in rural areas.
- Protect strategically important agricultural and primary production land from incompatible uses.
- Limit new housing development in rural areas by:
  - Directing housing growth into existing settlements.
  - Discouraging development of isolated small lots in the rural zones from use for dwellings or other incompatible uses.
  - Encouraging consolidation of existing isolated small lots in rural zones.
- In considering a proposal to use, subdivide or develop agricultural land, consider the:
  - Desirability and impacts of removing the land from primary production, given its agricultural productivity.
  - Impacts on the continuation of primary production on adjacent land, with particular regard to land values and the viability of infrastructure for such production.
  - Compatibility between the proposed or likely development and the existing use of the surrounding land.
  - The potential impacts of land use and development on the spread of plant and animal pests from areas of known infestation into agricultural areas.
  - Land capability.
- Avoid the subdivision of productive agricultural land from diminishing the long-term productive capacity of the land.



**Clause 14.01-1L Agriculture**

**Objective**

*'To discourage small lot subdivision that prejudices surrounding agricultural activities'.*

**Strategies**

<b>Strategy</b>	<b>Response</b>
<i>Discourage 'small lot' subdivision unless the balance lot is at least the minimum lot size specified in the zone.</i>	<p><b>X Strategy NOT MET</b></p> <p>Balance lot is to be less than the 20ha minimum subdivision lot size in accordance with the Schedule to the Farming Zone. The proposed balance lot as submitted is only 6.838 hectares.</p>
<i>Discourage small lot subdivision to meet personal and financial circumstances.</i>	<p><b>X Strategy NOT MET</b></p> <p>The application demonstrates the subdivision is required to meet personal circumstances. The applicant stated in the proposal:</p> <p><i>"In summary, the re-alignment of boundaries around the existing dwelling upon the land is to enable Mr and Mrs Stanton to retire within their existing dwelling upon the land and sell the large parcel of land for new horticultural production".</i></p> <p>Clearly, the application is for personal circumstances which is discouraged by this Strategy.</p>
<i>Prevent small lot subdivision to create lots for 'rural lifestyle' purposes.</i>	<p><b>X Strategy NOT MET</b></p> <p>The proposal is considered to be creating a lot for 'rural lifestyle' purposes for the following reasons:</p> <ol style="list-style-type: none"> <li>1. <i>'The applicant has stated the owners wish to remain in the dwelling for their retirement, and have an area for growing of vegetables and garden.</i></li> <li>2. <i>The re-alignment of boundaries around the existing dwelling upon the land is to enable Mr and Mrs Stanton to retire within their existing dwelling upon the land and sell the large parcel of land for new horticultural production.'</i></li> </ol> <p>The above statements ultimately render the dwelling 'not required' for the carrying out of agricultural activities and will be purely for 'rural lifestyle' purposes.</p> <p>Given there will be no link between the dwelling and any farming use of the balance lot, the dwelling lot would most likely be sold in the future by the current owner for 'rural lifestyle' purposes.</p>
<i>Encourage any excised lot to be of a manageable size that maintains sufficient land on the balance lot to support agricultural activity.</i>	<p><b>X Strategy NOT MET</b></p> <p>The application was not supported by a farm management plan to demonstrate the potential viability of the land or the farming intention of the purchaser of the balance lot.</p> <p>Without any information on the potential viability of the land for sustainable agriculture, it cannot be determined the balance lot is of a manageable size that maintains sufficient land to support agricultural activity.</p>
<i>Require the excision of a dwelling to be via the re-subdivision of existing lots so that the number of lots is not increased.</i>	<p><b>Strategy MET</b></p> <p>The subdivision is proposed to be the excision via the re-subdivision of existing lots and the number of lots is not being increased. The proposal will reduce the number of</p>

	lots from 3 to 2. It is noted existing CA67B is only 0.086 hectares.
<i>Discourage the creation of long, narrow lots, 'axe handle' lots or island-style lots.</i>	<b>Strategy MET</b>
<i>Discourage subdivisions that will impact on significant farm infrastructure.</i>	<b>? Insufficient information provided</b> There is no information provided in the application determine if the subdivision will impact on farm infrastructure.
<i>Discourage further subdivision (by any method) of land where a dwelling has already been excised from the land.</i>	<b>Strategy MET</b> No previous dwelling has been excised from the land.
<i>Discourage the excision of a dwelling if it is required for the carrying out of agricultural activities on the land.</i>	<b>X Strategy NOT MET</b> It has been stated in the application the dwelling is no longer required for any agricultural activity and there is no current agricultural activity on the land. The land has previously been used for horticulture.  History of the land provides evidence the dwelling has been required for the previous horticultural land use and this does not mean it will not be required again in the future. The proposal will remove the potential for the dwelling to be used in association with the horticultural use of the land in the future.
<i>Ensure the excision dwelling is habitable and has existing use rights under Clause 63.</i>	<b>X Strategy NOT MET</b> The application has not provided or demonstrated how the existing dwelling complies with Clause 63.
<i>Encourage a beneficial agricultural outcome for the land.</i>	<b>X Strategy NOT MET</b> The proposal does not provide evidence a beneficial agricultural outcome will be provided. The application was not supported by a farm management plan that could demonstrate a beneficial outcome.  Given the limited information provided with the application, there is no factual comment that can be made to whether there is beneficial outcome as a result of the subdivision.
<i>Consolidate land in the same ownership if consolidation would facilitate the productive use of land.</i>	<b>X Strategy NOT MET</b> In principle, the application does consolidate land in the same ownership but the application has not demonstrated the consolidation will facilitate the productive use of the land.
<i>Whether there is a need for an agreement under Section 173 of the Act that specifies that the land may not be further subdivided (except in accordance with the minimum lot size in the zone).</i>	<b>COMMENT:</b> The application stated ' <i>There is no intention for the construction of a dwelling upon proposed lot 2 and our clients consent to a condition being placed upon the permit requiring a Section 173 Agreement to be entered into prohibiting the construction of a dwelling upon Lot 2 of this subdivision</i> '.  The applicant submitted the Section 173 Agreement restricting a dwelling being constructed on the balance lot meets the provisions of the Scheme.

The assessment of the strategies outlined in Clause 14.01-1L demonstrates the proposal is contrary to policy for small lot subdivision.

On balance, the proposal as submitted does not adequately justify the proposal.

## Zoning

### Clause 35.07 Farming Zone

#### Purpose

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

#### Clause 35.07-3 Subdivision

A permit is required to subdivide land.

Each lot must be at least the area specified for the land in a schedule to this zone. If no area is specified, each lot must be at least 40 hectares.

A permit may be granted to create smaller lots if any of the following apply:

- The subdivision is to create a lot for an existing dwelling. The subdivision must be a two lot subdivision.
- **The subdivision is the re-subdivision of existing lots and the number of lots is not increased.**
- The subdivision is by a public authority or utility service provider to create a lot for a utility installation.

The Schedule to the Farming Zone stipulates the **minimum subdivision area is 20ha** of all land which is in a gazetted irrigation district or where a water use licence has been issued and applied to land for horticultural production purposes. The Scheme provides for the opportunity for an application to be made to re-subdivide existing lots, but this does not mean that a permit will be granted.

It is acknowledged a permit may be granted to create a smaller lot in accordance with Clause 35.07-3, but the creation of the smaller lot/s must be assessed against the relevant planning policy, Municipal Planning Strategy (MPS) and decision guidelines of the Swan Hill Planning Scheme.

It is considered the proposal is contrary to not only the purpose and decision guidelines of the Farming Zone, the application fails to be supported by planning policy and the MPS as previously detailed in this report.

## Overlays

No Overlays are applicable to the land.

## Particular Provisions

No particular provisions are applicable to the land.

## General Provisions

### Clause 65 Decision guidelines

Because a permit can be granted does not imply that a permit should or will be granted. The Responsible Authority must decide whether the proposal will produce acceptable outcomes in terms of the decision guidelines of this clause.

#### Clause 65.02 Approval of an application to subdivide land

In accordance with Clause 65.02, before deciding on an application to subdivide land, the Responsible Authority must also consider, as appropriate:

- The suitability of the land for subdivision.
- The existing use and possible future development of the land and nearby land.
- The availability of subdivided land in the locality, and the need for the creation of further lots.
- The effect of development on the use or development of other land which has a common means of drainage.
- The subdivision pattern having regard to the physical characteristics of the land including existing vegetation.
- The density of the proposed development.
- The area and dimensions of each lot in the subdivision.
- The availability and provision of utility services, including water, sewerage, drainage, electricity and gas.
- If the land is not sewered and no provision has been made for the land to be sewered, the capacity of the land to treat and retain all sewage and sullage within the boundaries of each lot.
- Whether, in relation to subdivision plans, native vegetation can be protected through subdivision and siting of open space areas.

## Assessment

This application is for subdivision of land (3 lot re-subdivision) in the Farming Zone and is strongly discouraged by the Swan Hill Planning Scheme as proposed.

The application may be made in accordance with Clause 35.07-3 of the Farming Zone as it provides the ability to apply for a planning application to re-subdivide land to create smaller lots (ie, under 20ha) if the subdivision is the re-subdivision of existing lots and the number of lots is not increased.

It is acknowledged a permit may be granted to create a smaller lot in accordance with Clause 35.07-3, but the creation of a smaller lot/s must be assessed against the relevant planning policy, Municipal Planning Strategy (MPS) and decision guidelines of the Swan Hill Planning Scheme and as outlined in this report, it is considered the proposal is contrary to not only the purpose and decision guidelines of the Farming Zone, the application fails to be supported by planning policy and the MPS.

Planning policy discourages small lot subdivisions unless the balance lot is at least the minimum lot size specified in the Zone. In this instance, the proposal is creating a small lot for 'lifestyle' purposes and a balance lot of only 6.838 hectares which is well below the minimum 20 hectares specified in the Schedule to the Farming Zone.

Any application submitted to Council for assessment must also contain adequate information to enable a decision to be made. It is considered the application as submitted did not contain adequate information to justify the proposal. The application is not able to be approved as there is no information on how there will be a farming benefit from the subdivision. The application was not supported by a farm management plan demonstrating how the subdivision will benefit the future farming use of the land.

Dwelling excisions on rural allotments of this nature can have detrimental effects on the future operation of farming land if the subdivision does not have a direct relationship with the farming activity on the land. It is essential to ensure that any decision to approve a dwelling excision, that there is a beneficial farming outcome. In this instance, it is considered there is no beneficial farming outcome as the subdivision will result in the existing dwelling being removed from the horticultural lot that reduces the ability for the dwelling lot land to be used in association with a farming use. The application advises the existing owner wishes to continue to reside in the dwelling creating a 'rural lifestyle' lot. There is no guarantee the current owner will not sell the excised dwelling lot to someone else in the future that wishes to use the dwelling as a rural lifestyle lot, which will potentially create land use conflicts with the existing farming use of the land.

It is unfortunate there have been a large number of dwelling excisions allowed in the Farming Zone across the municipality creating residential allotments in the Farming Zone. This can cause 'right to farm' issues, unnecessary land use conflicts and loss of agricultural land. Allowing excisions of dwellings on farming lots creates residential areas within the Farming Zone that slowly over time creates a greater loss of agricultural land. The poor planning outcomes of previous decisions should not be a consideration of whether to approve the current application.

The application was presented to a Council Assembly meeting which gave the applicant an opportunity to address Councillors on the application. The applicant simply stated the proposed complies with the Swan Hill Planning Scheme but did not provide any additional information that would enable an alternate determination to approve the application. The proposal creates a residential use of the existing dwelling within a farming area that planning policy strongly discourages as the dwelling will have no link to any farming use. The excised dwelling lot is also too small for any sustainable and productive farming use. This removes the land from any future agricultural production.

The subdivision will enable each lot to be separately disposed of. The application does not contain adequate detail on how the subdivision will create a better farming outcome. If approved, the subdivision would be difficult to reverse in the future. There is potential for consolidation of the land with adjoining land to create larger farming lot sizes, but this is not part of the application submitted to Council and cannot be considered in the assessment of the application.

There are many VCAT decisions within the Swan Hill Rural City Council municipality for similar Farming Zone subdivision applications that do not support this type of subdivision. Many of the decisions are recent and the recommendation contained within this report is consistent with the relevant VCAT decisions. The VCAT decisions are discussed in more detail in the next section of this report.

Accordingly the recommendation is to refuse to issue a planning permit subject to the reasons outlined at the end of this report.

### Swan Hill Rural City Council VCAT Decisions

The assessment of this planning application is consistent with recent VCAT decisions within the Swan Hill municipality and are detailed below. **The VCAT decisions reinforce the recommendations from Council's Planning Department are consistent with the Swan Hill Planning Scheme and relevant VCAT decisions.**

**1. Davoli v Swan Hill RCC [2023] VCAT P819/2023 (27 October 2023)**

124 Lae Road, Robinvale (almost identical to current application)

Permit applicant: Roy Costa Planning & Development

**COUNCIL DECISION UPHELD AND REFUSED BY VCAT**

The Order of this VCAT decision was given orally by VCAT Senior Member Bill Sibonis on 27 October 2023.

This decision of Council to refuse the application was upheld by VCAT and the Order dated 27 October 2023 stated:

- a. *'In application P819/2023 the decision of the responsible authority is affirmed*
- b. *In planning permit application PLN2023048 no permit is granted.'*

This application was similar to the current application. The proposal was for a 2 lot subdivision (dwelling excision) in the Farming Zone. The subdivision proposed a dwelling lot (proposed Lot 1) of 0.6699 hectares and a balance lot of 9.75 hectares.

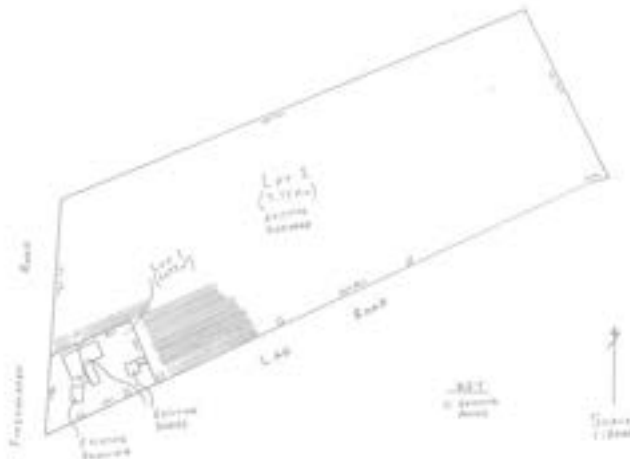


Figure 6: Proposed plan of subdivision refused by VCAT for 124 Lae Road, Robinvale

**2. Zappia v Swan Hill RC [2008] VCAT 1446 (16 July 2008)**

3 Timor Road, Robinvale

Permit applicant: Roy Costa Planning & Development

**COUNCIL DECISION UPHELD AND REFUSED BY VCAT**

This decision of Council to refuse the application was upheld by VCAT Senior Member Margaret Baird and the Order dated 16 July 2008 stated:

- a. *'The decision of the Responsible Authority in permit application no. 07/169 is affirmed. A permit is not granted and no permit is to be issued.'*

This application was similar to the current application. The proposal was for a 2 lot subdivision (dwelling excision) in the Farming Zone. The subdivision proposed a dwelling lot (proposed Lot 1) of 0.7784 hectares and a balance lot of 6.667 hectares. This decision was made by VCAT in 2008.

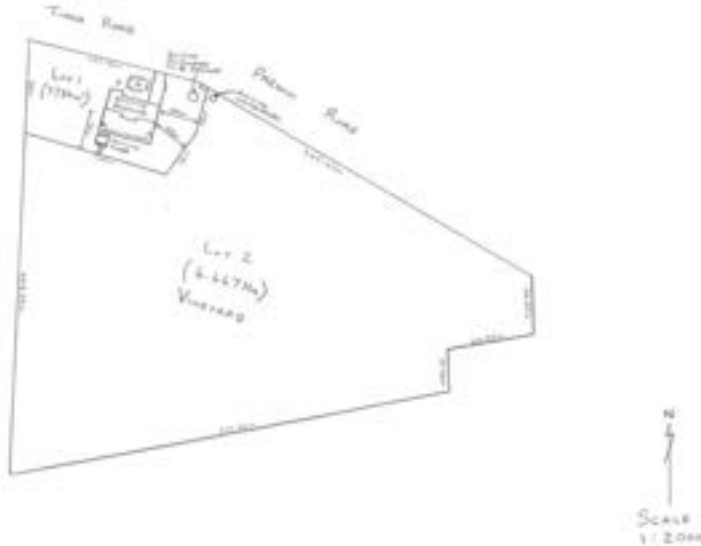


Figure 7: Proposed plan of subdivision refused by VCAT for 3 Timor Road, Robinvale

**3. Burns v Swan Hill RCC [2023] VCAT 1184 (25 October 2023)**

5 Little Murray Weir, Castle Donnington

**Permit applicant: Roy Costa Planning & Development**

**COUNCIL DECISION UPHELD AND REFUSED BY VCAT**

This decision of Council to refuse the application was upheld by VCAT Member Christopher Harty and the Order dated 25 October 2023 stated:

- a. *'In application P914/2023 the decision of the responsible authority is affirmed*
- b. *Planning permit 2021-146-2 must not be amended.'*



Council originally approved a 2 lot subdivision and development of dwellings on each lot and alteration of access to a Transport Zone 2 road (Department of Transport). This was issued under delegation and shown below in Figure 8.

The subdivision met the requirement of the 20 hectare minimum lot size in the Farming Zone for subdivision in an irrigated area. As the land is also in the Land Subject to Inundation Overlay (LSIO), the application was also approved for a dwelling on each lot as a permit is required only for 'development' in the LSIO. The use of a dwelling does not require a permit on a lot in the Farming Zone on a lot 20 hectares or greater.



Figure 8: Proposed plan of subdivision approved for 5 Little Murray Weir, Castle Donnington

The applicant then applied to Council to **amend the application** on 05 May 2023 to amend Condition 4 that reads:

4. *Prior to certification of the Plan of Subdivision, the owner/s of the lot/s must enter into an agreement with the Responsible Authority and (name of other authority or person if relevant) in accordance with Section 173 of the Planning and Environment Act 1987. The agreement must provide for:*
  - a. *The lots created by the subdivision approved by Planning Permit No. 2021-146 cannot be further subdivided, by any means, to create lots below the minimum lot size of the applicable zone at the time.*

*Prior to a Statement of Compliance being issued:*

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

VCAT made comment in the Order '**the intention of deleting condition 4 would allow an application to be made for re-subdivision and boundary realignment that could reduce one of the lots to an area less than the minimum lot size under the Farming Zone**'. This is a scenario Council seeks to avoid and prevent inconsistency with the strategy under Clause 14.01-1S of avoiding subdivision of productive agricultural land from diminishing the long-term productive capacity of the land.

**VCAT found:**

38. *I find the condition reasonable and regard it as a safeguard to limit lots that will contain a dwelling from being created below the minimum lot size under the FZ as it relates to irrigated areas and the minimum 20 hectares lot size for these areas.*
39. *I am of the view that, despite Condition 4(a) acting to limit the discretion available under the FZ with respect to dwelling excisions and boundary re-alignments, it supports policy and the purposes of the FZ under the planning scheme, as it relates to irrigation areas and this locality.*
40. *I accept that the limitation of the condition on the ability to undertake future land swaps, whether to facilitate changes to farming or for the flexibility of agricultural production, is a decision that flows from the changes made to the planning scheme. It is a tangible aspiration for protecting productive agricultural land.*
41. *In addition, I note that the land has been the subject to a past house lot excision and note a strategy under Clause 14.01-1L that discourages further subdivision (by any method) of land where a dwelling has already been excised from the land. This further reinforces my view that **Condition 4(a) should not be amended as sought by the applicants.***

For the reasons above, Council's decision to refuse the application to amend the permit to delete Condition 4 was upheld by VCAT and no amendment was granted.

### Recommendation

That Planning Permit Application Number **PLN2023051** be determined pursuant to Section 65 of the *Planning and Environment Act 1987* by issuing Notice of Decision to Refuse a Planning Permit for **Subdivision of Land (3 lot re-subdivision) in the Farming Zone on 23 Ray Road, Beverford 3585** subject to the following grounds:

1. The proposal is contrary to Clause 02.03-4 (Natural Resource Management) of the Municipal Planning Strategy in relation to the protection of agricultural land and discouraging small lot subdivision in rural areas that undermines the productive agricultural base of the Swan Hill Rural City Council.
2. The proposal is contrary to Clause 14.01 (Agriculture) of the Planning Policy Framework, as it will result in inappropriate fragmentation of rural land and small lot subdivision is discouraged for personal and financial circumstances, and for rural lifestyle purposes. Small lot subdivision is also discouraged unless the balance lot is at least the minimum lot size specified in the zone (20ha), which the proposal does not meet.
3. The proposal is contrary to the Farming Zone's purpose and decision guidelines in the protection and retention of productive agricultural land.

4. The proposal will set a precedent for similar Farming Zone land within the municipality that would contradict the purpose and decision guidelines of the Farming Zone and threaten the productive agricultural base of the Swan Hill Rural City Council.
5. The applicant has not provided adequate evidence that the existing dwelling has existing use rights in accordance with Clause 63 of the Swan Hill Planning Scheme.

Report prepared by:



Warrick Fisher  
Planning Team Leader  
**Date:** 13 November 2023

Peer Reviewed by:



Kate Jewell  
Development Manager  
**Date:** 14 November 2023



## PROPOSED PLANNING CONDITIONS

**Application No:** PLN2023051  
**Address:** 23 Ray Road Beverford VIC 3585  
Cottman Road Beverford VIC 3585  
Cottman Road BEVERFORD VIC 3590  
**Proposal Description:** Subdivision of Land (3 lot re-subdivision) in the Farming Zone

### Plans

1. The layout of the subdivision must not be altered from the layout on the approved and endorsed plans without the written consent of the Responsible Authority.

### Services

2. 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 (where it is proposed to be connected) services to each lot shown on the endorsed plan in accordance with the authority's requirements and relevant legislation at the time.

### Easements

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

### Certification of Plan

4. The plan of subdivision submitted for Certification under the Subdivision Act 1988 must be referred to the relevant authority in accordance with Section 8 of that Act.

### Statement of Compliance

5. Before the Statement of Compliance is issued under the Subdivision Act 1988, all planning conditions and all other requirements of the Responsible Authority and the relevant referral authorities must be completed or satisfactorily provided for, to the satisfaction of the Responsible Authority and the relevant referral authorities.

### Section 173 Agreement

6. Before the Statement of Compliance is issued under the Subdivision Act 1988, the owner must enter into an agreement with the Responsible Authority under section 173 of the Planning and Environment Act 1987. The agreement must provide for the following:
  - a) No further subdivision by any means with the exception of consolidation.
  - b) No dwelling is permitted on proposed Lot 2.
  - c) The owner of Lot 1 acknowledges and accepts the possibility of nuisance from agricultural activities on adjacent and near land due to dust, noise, odour, use of chemicals and farm machinery, traffic and hours of operation.



The owner of the land must pay all of the Responsible Authority's reasonable legal costs and expenses of this agreement, including preparation, execution and registration on title.

**Rural Stormwater**

7. Before the Statement of Compliance is issued under the Subdivision Act 1988, the permit holder must ensure that stormwater runoff from all lots approved by this subdivision can be retained within the boundaries of each lot to the satisfaction of the Responsible Authority.

**Permit Expiry**

8. This permit as it relates to development (subdivision) will expire if one of the following circumstances applies:
  - a) The plan of subdivision has not been certified under the Subdivision Act 1988 within 2 years of the issued date of this permit.
  - b) A statement of compliance is not issued within 5 years of the date of certification.

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.

## 2.5 Planning Application - 15 Donald Street Nyah West - Subdivision of Lan (8 Lots) in the General Residential Zone

**Directorate:** Development and Planning  
**File Number:** **PLN2023013**  
**Purpose:** For Decision

### EXECUTIVE SUMMARY

<b>Application Number:</b>	PLN2023013
<b>Proposal:</b>	Subdivision of Land (8 Lots) in the General Residential Zone
<b>Applicant's Name:</b>	Roy Costa Planning and Development
<b>Address:</b>	15 Donald Street, Nyah West VIC 3595
<b>Land Size:</b>	3035m <sup>2</sup>
<b>Current Use/Development:</b>	Vacant residential land
<b>Proposed Use/Development:</b>	8 Lot Subdivision
<b>Site Features:</b>	N/A
<b>Zoning:</b>	General Residential Zone – (GRZ)
<b>Overlays:</b>	N/A
<b>Referral Authorities:</b>	CFA, Lower Murray Water, Powercor and Council's Engineering Department
<b>Why is a Permit Required?</b>	Subdivision
<b>Lodgement date:</b>	08/02/2023

### Declarations of Interest:

Council Officers affirm that no general or material conflicts need to be declared in relation to the matter of this report.

### Recommendation/s

**That Council:**

**Refuse to grant a planning permit for the Subdivision of Land (8 Lot) in the GRZ at 15 Donald Street Nyah West for the following reasons:**

- 1. The proposal is inconsistent with the purpose of the General Residential Zone.**
- 2.**
- 3. The development is inconsistent with the standards and objectives of Clause 56 of the Swan Hill Planning Scheme, in particular:**
  - a. Is inconsistent with the neighbourhood character of the area. The scale of the subdivision is excessive and would have a dominating impact upon the streetscape and the surrounding area.**
  - b. Does not provide lot diversity.**
  - c. Does not provide adequate solar orientation of lots in accordance with Clause 56.04-3.**
  - d. The neighbourhood street network is not fully constructed and does not provide an accessible and safe neighbourhood street system.**
  - e. The proposal has not demonstrated safe vehicle access between the unsealed road (Donald Street) and the site.**
  - f. The application does not describe how the site will be managed prior to and during the construction period in accordance with Standard C26.**
- 3. The proposed subdivision is inconsistent with the Planning Policy Framework of the Swan Hill Planning Scheme, in particular:**
  - a. Clause 15.01-1S as the higher density nature of the subdivision does not adequately respond to the existing subdivision and residential character of the area and township.**
  - b. Clause 15.01-1L as it does not protect the residential character of Nyah West due to the proposed lot size being inconsistent with the Nyah West township lot size character.**
  - c. Clause 15.01-3S as the subdivision does not provide for any variation in lot size or design and is inconsistent with the prevailing subdivision pattern of the township.**
  - d. Clause 15.01-5S as the proposed subdivision does not respect the local subdivision pattern and character.**
  - e. Clause 16.01-1S as the high density subdivision in a town that does not anticipate population growth (according to Census data). The proposal would result in excessive amount of small lots that will detract from the rural country setting of the town.**
  - f. Clause 16.01-1L as it does not encourage future serviced residential expansion south of Elizabeth Street in Nyah West.**



4. The proposed development will result in unreasonable amenity impacts to the surrounding properties.
5. The proposal will set a precedent for similar subdivisions within the urban area of Nyah West which will impact the character and existing drainage infrastructure of the township.

A comprehensive assessment of the proposal against the relevant provisions of the Swan Hill Planning Scheme is contained in the attached officer report.

**Key Points / Issues:**

- The application proposes the subdivision of land (8 lots) in the General Residential Zone on land known as 15 Donald Street, Nyah West. The subject land consists of 3 existing allotments with a total area of 3035m<sup>2</sup>. All land is currently vacant.



Figure 1 – Aerial image of subject land



Figure 2 – Aerial image of surrounding area

- The subdivision proposes the creation of 8 allotments from the existing 3 parcels and includes common property as detailed below:

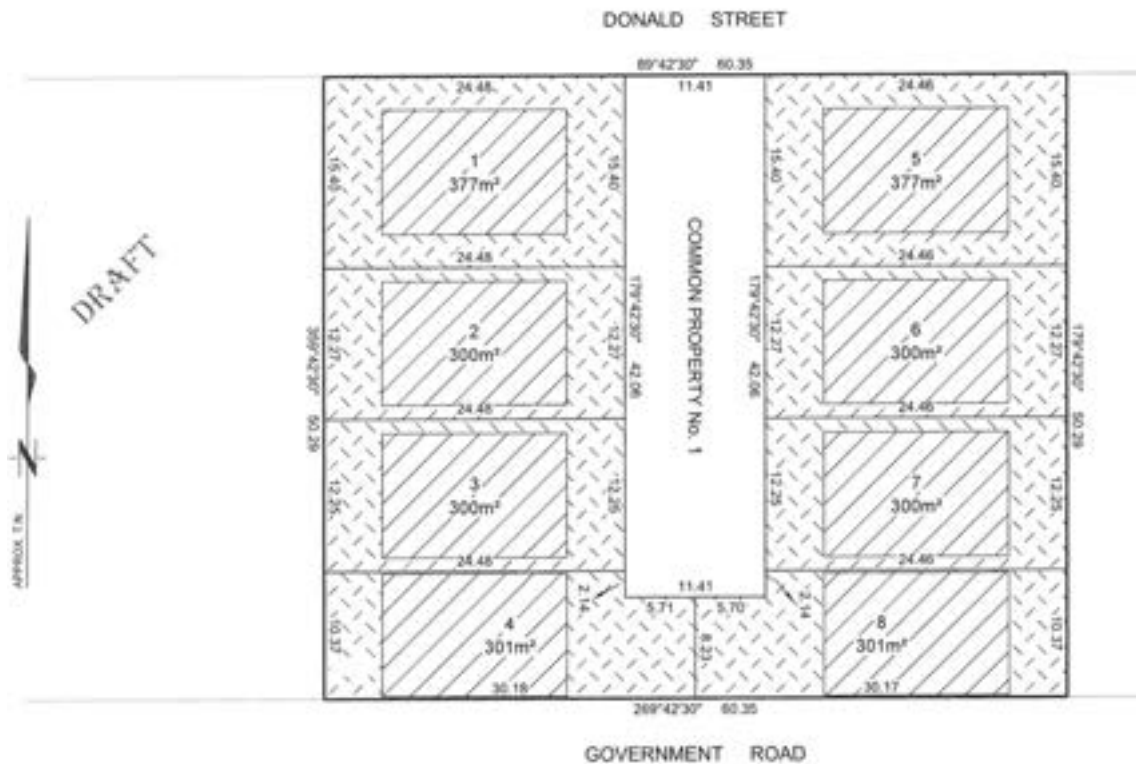


Figure 3 – Proposed Subdivision

- This application is not considered an appropriate planning outcome. The proposal is an overdevelopment of the site creating 8 allotments ranging from

300m<sup>2</sup> to 377m<sup>2</sup> in a small rural township that has an existing character of single dwellings on allotments of approximately 1000m<sup>2</sup>.

- The Nyah West population is in decline (according to Census data) and there is only one known subdivision permit issued in the township for residential purposes (according to Council records).
- The township has many residential development opportunities on existing vacant allotments that have been vacant for many years.
- Any application submitted to Council for assessment must also contain adequate information to enable a decision to be made. It is considered the application as submitted did not contain adequate information to justify the proposal in favour of the applicant.
- The overdevelopment of the site can strain existing infrastructure such as the unmade road and utilities. It is considered the proposed subdivision is proposing a development beyond what is sustainable and suitable for the area at this present time.
- It is acknowledged a permit may be granted to create smaller lots in accordance with Clause 32.08-3, but the creation of the high density allotments must be assessed against the relevant planning policy (PPF), Municipal Planning Strategy (MPS) and decision guidelines of the Swan Hill Planning Scheme and as outlined in this report, it is considered the proposal is contrary to the PPF and Clause 56. Refer to the attached officers report for the Clause 56 assessment.
- Should the proposal be supported by Council, this would set a precedent for other land in the Nyah West township to be subdivided for high density allotments and this would create an undesirable outcome in an area that has limited infrastructure.

### **Policy Impacts:**

The proposed subdivision is inconsistent with the Planning Policy Framework of the Swan Hill Planning Scheme, in particular:

1. Clause 15.01-1S as the higher density nature of the subdivision does not adequately respond to the existing subdivision and residential character of the area and township.
2. Clause 15.01-1L as it does not protect the residential character of Nyah West due to the proposed lot size being inconsistent with the Nyah West township lot size character.
3. Clause 15.01-3S as the subdivision does not provide for any variation in lot size or design and is inconsistent with the prevailing subdivision pattern of the township.
4. Clause 15.01-5S as the proposed subdivision does not respect the local subdivision pattern and character.
5. Clause 16.01-1S as the high-density subdivision in a town that does not anticipate population growth (according to Census data). The

proposal would result in excessive amount of small lots that will detract from the rural country setting of the town.

6. Clause 16.01-1L as it does not encourage future serviced residential expansion south of Elizabeth Street in Nyah West.

**Consultation:****Advertising:**

The application was advertised pursuant to Section 52 of the Planning and Environment Act 1987 by:

- Sending notices to the owners and occupiers of adjoining and surrounding land.
- Sign on site

Submission received: NIL

**Referrals:**

1. Powercor - Consent subject to 3 conditions regarding the electricity provision.
2. Lower Murray Water - Consent subject to 3 conditions regarding water and sewer connections.
3. CFA - Consent and no conditions required.
4. Council's Engineering Department - Consent subject to 12 conditions and works in road reserve permit note.

**Financial Implications:** N/A

**Social Implications:** N/A

**Economic Implications:** N/A

**Environmental Implications:** N/A

**Risk Management Implications:** N/A

**Conclusion:**

It is considered the proposal is an overdevelopment of the site, an unacceptable planning outcome and the application as submitted did not contain adequate information to justify the proposal.



The proposal is contrary to the General Residential Zone, PPF, Clause 56 and will set a precedent for similar subdivisions with the urban area of Nyah West that has limited infrastructure provision.

The recommendation is to issue a notice of refusal to issue a planning permit subject to the reasons outlined in this report.

### **Options**

1. Council issues a Notice of Decision to Refuse to Grant a Planning Permit
2. Council issues a Planning Permit subject to the conditions outlined in the attachment.

- Attachments:**
1. Proposed Plan [2.5.1 - 2 pages]
  2. Applicant Submission [2.5.2 - 6 pages]
  3. Officers Report - to be reviewed by Kate/Heather [2.5.3 - 32 pages]
  4. Proposed Planning Conditions [2.5.4 - 8 pages]

### **CM 2023/85 Motion**

#### **MOVED Cr Moar**

**That Council issues a Planning Permit subject to the conditions outlined in the attachment.**

#### **SECONDED Cr Young**

#### **Cr Kelly MOVED an AMENDMENT to the Motion**

**That Council issues a Planning Permit subject to the conditions outlined in the attachment with the removal of condition 10.**

#### **Cr McKay SECONDED the AMENDMENT**

**The AMENDMENT was put and LOST 2 / 5**

#### **MOVED Cr Moar**

**That Council issues a Planning Permit subject to the conditions outlined in the attachment.**

#### **SECONDED Cr Young**

**The Motion was put and CARRIED 4 / 3**



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PO Box 2925 Mildura 3502  
Phone (03) 50210031 Email: admin@roycosta.com.au

Our Ref: 23-040  
Your Ref:

1 June 2023

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

Dear Sir/Madam,

**PLANNING APPLICATION  
RE-SUBDIVISION  
23 RAY ROAD AND CA'S 67A & 67B COTTMAN ROAD BEVERFORD**

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The purchasers have no requirement for the dwelling and to include the dwelling in the purchase inflates the property value that would make it non-viable for the re-development of the land for horticultural purposes.

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This application is seeking to re-align the boundaries between the three existing allotments to create the following:

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PLANNING INSTITUTE AUSTRALIA – REGISTERED PLANNER (RPIA)

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







**ROY COSTA PLANNING & DEVELOPMENT**

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# Planning Assessment Report Delegate Report

## Application Details

<b>Application Number:</b>	PLN2023013	<b>Planner:</b>	Warrick Fisher
<b>Application Description:</b>	Subdivision of Land (8 Lots) in the General Residential Zone		
<b>Application Received:</b>	08 February 2023		
<b>Land / Address:</b>	15 Donald Street, Nyah West VIC 3595 Lots 64, 65 and 66 on Plan of Subdivision 006415		
<b>MPS:</b>	Clause 02.03-1 Settlement Clause 02.03-8 Infrastructure		
<b>PPF:</b>	Clause 11.01-1S – Settlement Clause 11.02-1S – Supply of urban land Clause 15.01-1S – Urban design Clause 15.01-1L – Urban design Clause 15.01-3S – Subdivision design Clause 15.01-5S – Neighbourhood character Clause 16.01-1S – Housing supply Clause 16.01-1L – Location of residential development Clause 19.03-2S – Infrastructure design and provision		
<b>Zoning:</b>	Clause 32.08 General Residential Zone ('GRZ')		
<b>Overlays:</b>	NIL		
<b>Particular Provisions</b>	Clause 56		
<b>Land Use Terms:</b>	Subdivision		
<b>Under what clause(s) is a permit required?</b>	Clause 32.08-3 – Subdivision		
<b>Restrictive covenants on title?</b>	Nil		
<b>Current Use &amp; Development:</b>	Vacant land. No existing use.		
<b>Is a Cultural Heritage Management Plan Required?</b>	No		

**Subject Site & Locality**

The subject land is located on Donald Street, between Black and Station Street, Nyah West. The site has a north south orientation and the land is located approximately 400m to the south of the Nyah West CAD.

The site comprises 3 existing lots and is approximately 3035m<sup>2</sup> in total area. All lots are vacant and there is a small area of vegetation in north-western corner of the allotment. Each existing lot is the size and shape of the original Nyah West township lot sizes created in 1922.

The surrounding area comprises single dwellings on large lots set amongst established gardens.

The site has frontage to Donald Street which is an unsealed road. There is a laneway road reserve at the rear of the lot that is unmade.

No overlays affect the land and there are no notable site features.

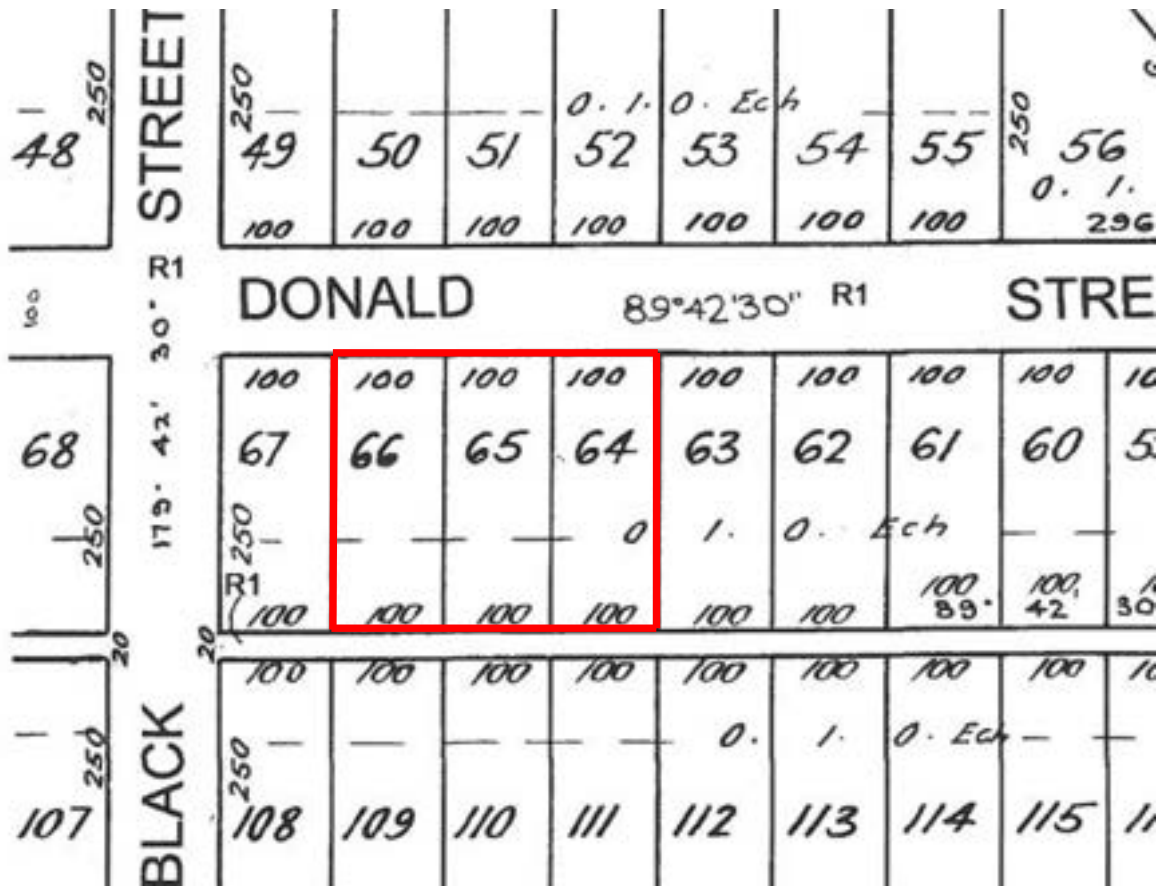


Figure 1: Existing Plan of Subdivision

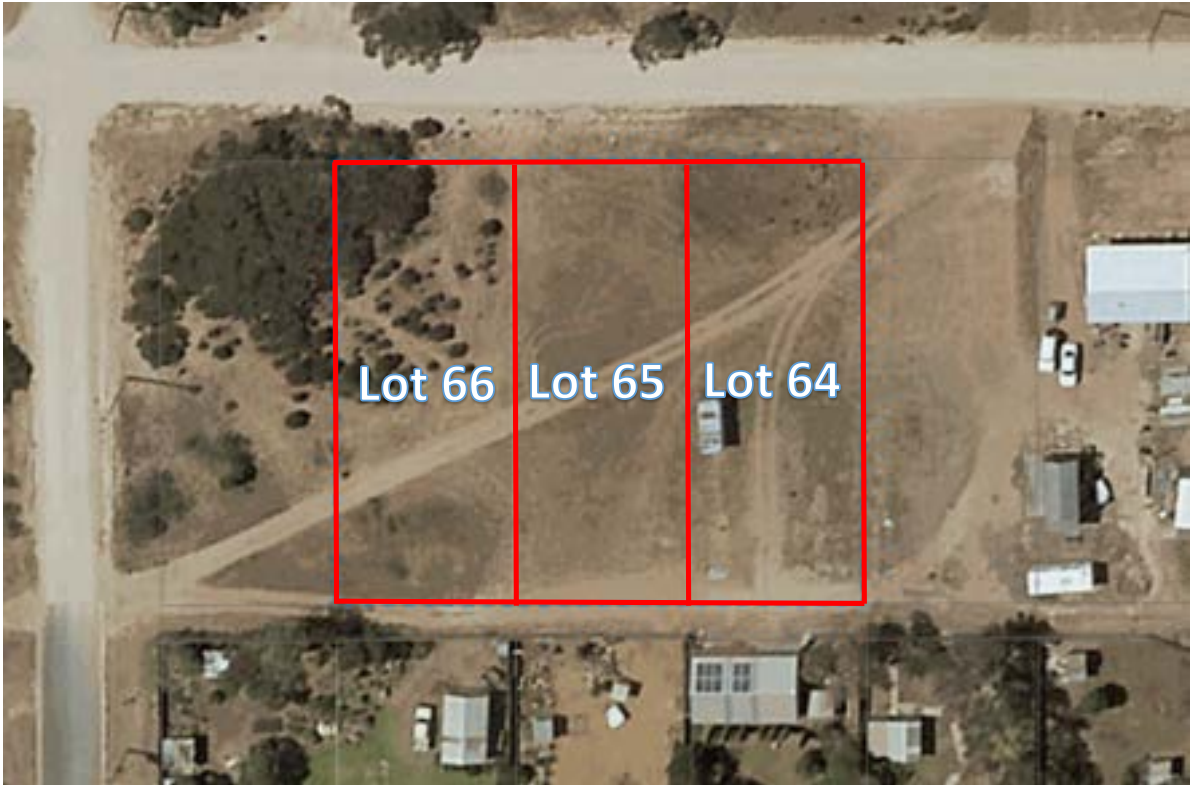


Figure 2: Aerial image of subject land (Source: VicPlan)

Land within the immediate area of the subject site is used primarily for residential purposes and the surrounding allotments are of similar size to the existing allotments. Residential infill development has not occurred in Nyah West due to the large amount of residential land available.



Figure 3: Aerial image of surrounding area

**Proposal**

The application proposes the subdivision of land (8 lots) in the General Residential Zone on land known as 15 Donald Street, Nyah West.

There are 3 existing allotments with a total area of 3035m<sup>2</sup>. All land is currently vacant.

The subdivision proposes the creation of 8 allotments from the existing 3, and includes common property as detailed in Figure 4 below. The subdivision is detailed as:

1. Lot 1: 377m<sup>2</sup>
2. Lot 2: 300m<sup>2</sup>
3. Lot 3: 300m<sup>2</sup>
4. Lot 4: 301m<sup>2</sup>
5. Lot 5: 377m<sup>2</sup>
6. Lot 6: 300m<sup>2</sup>
7. Lot 7: 300m<sup>2</sup>
8. Lot 8: 301m<sup>2</sup>

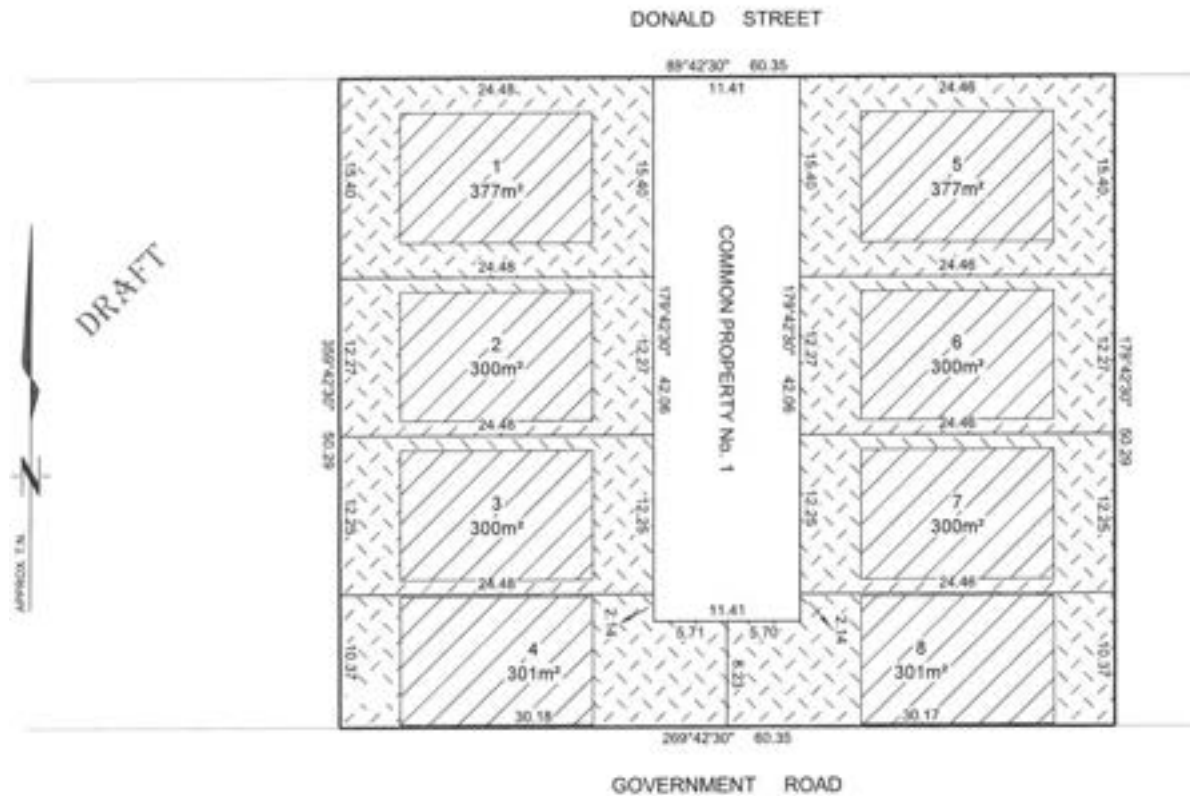


Figure 4: Proposed plan of subdivision submitted with the application



The application contained the following information/documents:

1. Application form
2. Copy of Certificate of Title and Title Plan
3. Proposed plan of subdivision
4. Brief written planning report
5. CHMP declaration
6. Stormwater plan (provided as requested by SHRCC during application processing).

The original application documentation described the purpose of the subdivision as:

*'This application is proposing to subdivide the land into 8 allotments: with the allotments to range between 300m<sup>2</sup> and 377m<sup>2</sup> in area.*

*Common Property is to be established within the centre of the development from Donald Street to provide common accessway for access to each allotment proposed.*

*The proposal is delineated on the plans associated with this application.*

*The subdivision gives opportunity for an additional dwelling to be constructed within the township area of Nyah West'.*

### Permit Application History

Below is a review of the permit application history:

- The application was submitted to Council on 08/02/2023.
- Application was referred to the Engineering Department on 01/03/2023. The department responded on 30/03/2023 requesting an infrastructure provision plan and stormwater management plan.
- Further information was requested on 09/05/2023 as detailed below:
  1. *As there is limited infrastructure in the area, an Infrastructure Plan indicating how the proposed lots are to be serviced is required.*
  2. *A Stormwater Management Plan indicating how stormwater is to be managed is required.*
  3. *The development proposes a common property with a width of 11.4m. Please provide the design of the common property clearly showing access/egress from the subject land and each lot including swept path diagrams where appropriate.*
  4. *The indication of walls on the northern boundary of lots 4 and 8 exceed the minimum allowed under Clause 54.04-2. The plans should be amended to show how the proposed subdivision can accommodate dwellings in accordance with Clause 54 requirements.*
  5. *Plans showing surrounding context ie abutting lots, existing dwelling etc. in accordance with the application requirements of Clause 32.08-11.*
  6. *Provide details of any proposed upgrading of Donald Street.*
- The application was referred on 09/05/2023 to the CFA, Lower Murray Water and Powercor.
- A response to the RFI was received on 01/08/2023. The response provided the following information:
  1. *Plans prepared by Inland Consultants are attached delineating the infrastructure in the area, including sewer main at rear of site, electrical pit at front of the site, together with town water supply and stormwater drainage to be retained in tanks on each lots proposed and common property area to drain into existing swale at front of site.*
  2. *The plans also include the stormwater management plan for the subdivision.*
  3. *An additional plan prepared by Inland Consultants details access/egress from the land and swept paths for the furthest lots from the street delineating how vehicles will be able to enter and leave in a forward direction.*
  4. *The plans delineate a 10 x 15 metre rectangle upon each lot as required by the provisions of the Swan Hill Planning Scheme.*

5. *The line is not the wall of the future dwelling to be constructed upon proposed Lots 4 & 8.*
6. *Future dwellings will need to meet the requirements of the relevant regulations.*
7. *An aerial photo delineating the abutting lots and dwellings is attached.*
8. *No upgrades to Donald Street are proposed.*

The applicant advised they request council to further process the application accordingly.

- On 02/08/2023, the updated plans were referred to the Engineering Department. A response was received from the Engineering Department on 24/08/2023 consenting to the application subject to extensive conditions.
- On 11/08/2023, the application advertised. No objections were received at the writing of this report.
- On 05/09/2023, the applicant submitted the required statutory declaration the advertising (sign) was completed in accordance with advertising requirements.
- On 27/09/2023, the applicant was invited to attend a Council Assembly session schedule for 10/10/2023.
- On 03/10/2023 the applicant was sent a formal follow up letter advising the Planning Department has considered the application and recommend the application be refused as it is contrary to relevant planning policy, the purpose of the General Residential Zone, Clause 55, creates unreasonable amenity impacts on surrounding properties, and sets a precedent for this type of application in Nyah West which will impact the character and existing infrastructure of the township.
- The applicant attended and presented at the Council Assembly meeting dated 10/10/2023.
- The application is scheduled to be determined at Council's 21 November 2023 Ordinary Meeting of Council.

#### Site History

There is no relevant site history.

#### Restrictive Covenant / Section 173 Agreement

Nil

#### Public Notification

The application was advertised pursuant to Section 52 of the *Planning and Environment Act 1987*, by:

- Sending notices to the owners and occupiers of adjoining and surrounding land
- Sign on site

The advertising period was between 11/08/2023 and 25/08/2023.

There were no objections received at the time of writing this report.

#### Cultural Heritage Management Plan

Not required.

#### Referrals

The application was referred under Section 55 to Lower Murray Water and Powercor, Section 52 to the CFA and internally to Council's Engineering Department.

The responses are detailed below:

1. Powercor
  - a. Consent subject to 3 conditions regarding the electricity provision.

2. Lower Murray Water
  - a. Consent subject to 3 conditions regarding water and sewer connections.
3. CFA
  - a. Consent and no conditions required. The CFA advised there is an existing hydrant located in the road reserve directly north of the property that provides hydrant coverage in accordance with Standard C29 of Clause 56.09-3.
4. Council's Engineering Department
  - a. Consent subject to 12 conditions and works in road reserve permit note. The conditions required are below:
    - i. Car park construction
    - ii. Vehicle manoeuvring
    - iii. New vehicle crossing
    - iv. Sight distance requirements
    - v. Internal access driveway construction
    - vi. Sediment discharges
    - vii. Drainage to a legal point of discharge
    - viii. Outfall drainage lines
    - ix. 1% AEP Storm
    - x. Drainage plan
    - xi. Existing services
    - xii. Drainage works complete.

The Engineering Department consented to the application, but the application still requires extensive work to be undertaken to determine if the property can be adequately serviced to the satisfaction of the Responsible Authority.

### Municipal Planning Strategy (MPS)

#### Clause 02.03-1 Settlement

*'Nyah and Nyah West are border towns located on the Murray Valley Highway about 27 kilometres north-west of Swan Hill. The towns have a combined population of about 1,200. The Nyah West town centre comprises a fine collection of substantially intact Inter-war buildings, which enhance its tourism potential.'*

*Settlement planning for Swan Hill Rural City will:*

- *Facilitate residential growth in smaller towns.*
- *Co-ordinate residential growth so that infrastructure is provided equitably between the developer and the community.'*

#### Clause 02.03-8 Infrastructure

*'The efficient delivery of infrastructure is a fundamental element in providing affordable and diverse housing and generating economic growth. The community expects that developers should contribute to the cost of utility, service and community infrastructure.'*

*Reticulated sewerage is available in Swan Hill, Robinvale, Lake Boga and Nyah/Nyah West.*

*Infrastructure planning and delivery for Swan Hill Rural City will:*

- *Ensure new urban development in township areas is connected to reticulated services.*
- *Direct urban development to where it can be connected to reticulated services.*
- *Manage stormwater as a key consideration for urban development.'*



## Planning Policy Framework (PPF)

The following Clauses of the PPF are relevant to the application. It is considered the proposal is contrary to particular sections of the PPF and are expanded upon below. The relevant Clauses the application complies with are not expanded upon but the objective and strategies of the relevant Clause is provided for reference.

### Clause 11.01-1S – Settlement

#### Objective

- *To facilitate the sustainable growth and development of Victoria and deliver choice and opportunity for all Victorians through a network of settlements.*

#### Strategies (as applicable)

- *Promote and capitalise on opportunities for urban renewal and infill redevelopment.*

### Clause 11.02-1S – Supply of urban land

#### Objective

- *To ensure a sufficient supply of land is available for residential, commercial, retail, industrial, recreational, institutional and other community uses.*

#### Strategies (as applicable)

- *Ensure the ongoing provision of land and supporting infrastructure to support sustainable urban development.*
- *Ensure that sufficient land is available to meet forecast demand.*
- *Planning for urban growth should consider:*
  - *Opportunities for the consolidation, redevelopment and intensification of existing urban areas.*
  - *Neighbourhood character and landscape considerations.*
  - *Service limitations and the costs of providing infrastructure.*

### Clause 15.01-1S – Urban design

#### Objective

- *To create urban environments that are safe, healthy, functional and enjoyable and that contribute to a sense of place and cultural identity.*

#### Strategies (as applicable)

- *Require development to respond to its context in terms of character, cultural identity, natural features, surrounding landscape and climate.*
- *Ensure that the design and location of publicly accessible private spaces, including car parking areas, forecourts and walkways, is of a high standard, creates a safe environment for users and enables easy and efficient use.*

COMMENT: It is considered the proposal is contrary to this Clause as the higher density nature of the subdivision does not adequately respond to the existing subdivision pattern and residential character of the area and township. The majority of existing residential allotments in the township of Nyah West were created in 1922 and there has been no residential infill development due to the amount of available existing residential land in the township.

It is not considered the proposed subdivision responds to the existing character of the residential areas in Nyah West. The existing allotments in the township are similar to the existing lots subject to this application (approx. 1000m<sup>2</sup> each).

Given there is no residential infill pressure on the Nyah West township, it is not considered the creation of 8 allotments ranging in size from 300m<sup>2</sup> to 377m<sup>2</sup> is in keeping with the existing residential character of the area.

**Clause 15.01-1L – Urban design**

Objective

*To facilitate development that contributes to the character and visual amenity of towns and their entrances.*

Strategies (as applicable)

- *Enhance streetscape character in the design and siting of buildings and works through design, layout, height and appearance.*
- *Protect the local character of towns when designing and siting development.*
- *Encourage the provision of infrastructure that is responsive to township character.*
- *Support continuous street frontages and active uses at street level.*

COMMENT: It is considered the proposal as submitted is contrary to this Clause as it does not protect the residential character of Nyah West due to the proposed lot size being inconsistent with the Nyah West township existing residential lot size character.

**Clause 15.01-3S – Subdivision design**

Objective

*To ensure the design of subdivisions achieves attractive, safe, accessible, diverse and sustainable neighbourhoods.*

Strategies (as applicable)

*In the development of new residential areas and in the redevelopment of existing areas, subdivision should be designed to create liveable and sustainable communities by:*

- *Providing a range of lot sizes to suit a variety of dwelling and household types to meet the needs and aspirations of different groups of people.*

COMMENT: The proposal is contrary to this Clause as the subdivision does not provide for any variation in lot size or design and is inconsistent with the prevailing subdivision pattern of the township.

**Clause 15.01-5S – Neighbourhood character**

Objective

*To recognise, support and protect neighbourhood character, cultural identity, and sense of place.*

Strategies (as applicable)

*Ensure development responds to its context and reinforces a sense of place and the valued features and characteristics of the local environment and place by respecting the:*

- *Pattern of local urban structure and subdivision.*
- *Neighbourhood character values and built form that reflect community identity.*

COMMENT: The proposal is contrary to this Clause as the proposed subdivision does not respect the local subdivision pattern and character. As mentioned earlier in this report, the existing neighbourhood subdivision character is allotments of approximately 1000m<sup>2</sup> containing single dwellings.

**Clause 16.01-1S – Housing supply**

Objective

*To facilitate well-located, integrated and diverse housing that meets community needs.*

Strategies (as applicable)

- *Encourage higher density housing development on sites that are well located in relation to jobs, services and public transport.*
- *Identify opportunities for increased residential densities to help consolidate urban areas.*

COMMENT: The proposal is contrary to this Clause as the high density subdivision in a rural township that does not anticipate population growth (according to Census data). The proposal would result in excessive amount of small lots that will detract from the rural country setting of the town.

It is not anticipated there will be any considerable population growth in Nyah West. This is demonstrated by the census in 2011 which recorded a population of 683, 2016 recorded a population of 663 and the census in 2021 which recorded a population of 673.

Since 2011, the population has declined by 10 people. This is also demonstrated by the many vacant lots along Donald Street and nearby streets. The proposal is contrary to Clause 16.01-L as this Clause encourages future serviced residential expansion south of Elizabeth Street in Nyah West. This area remains undeveloped and has access to a sealed road, and is zoned General Residential. Any future residential development should be encouraged in this area and is in accordance with planning policy.

**Clause 16.01-1L – Location of residential development**

Strategies (as applicable)

- *Discourage residential development (including low density residential) that is not adjacent to existing development and is not serviced with reticulated sewerage and town water.*
- *Encourage future serviced residential expansion south of Elizabeth Street in Nyah West.*

COMMENT: The proposal is contrary to this Clause as the proposal does not encourage future serviced residential expansion south of Elizabeth Street in Nyah West. Given there is no demonstrated need for additional residential land in Nyah West, it is considered any further residential land should be in accordance with the strategy above and be located south of Elizabeth Street.

On balance, the proposal as submitted does not adequately justify the proposal and is inconsistent with the PPF.

**Strategic Document/s**

**Small Town Future Development Plan (Swan Hill Rural City Council 24/02/2023)**

The 'Small Town Future Development Plan' is a document prepared by Holmes Dyer on behalf of Swan Hill Rural City Council. The purpose of the document was to investigate and target priority initiatives that deliver housing and seasonal workers accommodation solutions within the region's rural settlements for the next 10 years. The rural townships included Nyah West.

The scope of the document was to identify how the townships can support this housing and accommodation demand into the future, and what services, facilities, infrastructure is required to support the potential growth.

The document is not incorporated into the Swan Hill Planning Scheme at the time of writing this report.

The report states at Section 4.5.4 that Nyah West has 40 vacant allotments in the General Residential Zone, including a concentration of allotments in Donald Street, which is an unsealed road serving around 20 existing dwellings.

Nyah West does present as a small town with required services for future residential development and strongly recommends the land south of Elizabeth Street represents the best opportunity for cost effective delivery of new residential allotments in Nyah West.

At Section 4.5.2 of the report, it stated Nyah West had an average of 11.3 residential land sales per year over the previous 10 year period, with the majority of sales having a land size of 1,000m<sup>2</sup> to 1,999m<sup>2</sup>. These vacant allotments generally reflect the dominant land size.

Council records show there has been only one (1) planning application for subdivision of land in the Nyah West urban area.

The above report clearly demonstrates there is limited need for residential land of the size as proposed in this application and any future residential growth should be south of Elizabeth Street.

## Zoning

### Clause 32.08 General Residential Zone

#### Purpose

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To encourage development that respects the neighbourhood character of the area.
- To encourage a diversity of housing types and housing growth particularly in locations offering good access to services and transport.
- To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.

#### Clause 32.08-3 Subdivision

A permit is required to subdivide land.

An application to subdivide land that would create a vacant lot less than 400 square metres capable of development for a dwelling or residential building, must ensure that each vacant lot created less than 400 square metres contains at least 25 percent as garden area. The application provided a plan that demonstrates compliance with this requirement.

An application to subdivide land, other than an application to subdivide land into lots each containing an existing dwelling or car parking space, must meet the requirements of Clause 56 and:

- Must meet all of the objectives included in the clauses specified in the following table.
- Should meet all of the standards included in the clauses specified in the following table.

Class of subdivision	Objectives and standards to be met
3 – 15 lots	All except Clauses 56.02-1, 56.03-1 to 56.03-4, 56.05-2, 56.06-1, 56.06-3 and 56.06-6.

It is considered the application does not adequately meet the Objectives and Standards of Clause 56. A detailed assessment of Clause 56 is provided later in this report.

## Overlays

No Overlays are applicable to the land.

## Particular Provisions

### Clause 56 – Residential Subdivision

In accordance with Clause 32.08-3, an application to subdivide land must meet the requirements of Clause 56 and:

- Must meet all of the objectives and should meet all the standards in the following table:

Class of subdivision	Objectives and standards to be met
3 – 15 lots	All except Clauses 56.02-1, 56.03-1 to 56.03-4, 56.05-2, 56.06-1, 56.06-3 and 56.06-6.

Title & Objective	Standard	Complies/ Does Not Comply/ Variation Required
<p><b>Clause 56.01-1</b></p> <p><b>Subdivision and context description</b></p>		<p>The information submitted was considered basic and barely met the requirements. Further information was requested during the application to enable a determination be made on the application.</p>
<p><b>Clause 56.01-2</b></p> <p><b>Subdivision design response</b></p>		<p><b>X Does not comply</b></p> <p>As mentioned above, the application documentation was considered basic and did not adequately respond the context of the surrounding area.</p> <p>The proposal does not promote residential in-fill development as there are many existing vacant lots in the township.</p>
<p><b>Clause 56.03-5</b></p> <p><b>Neighbourhood character objectives</b></p> <p>To design subdivisions that respond to neighbourhood character.</p>	<p><b>C6</b></p> <p>Subdivision should :</p> <ul style="list-style-type: none"> <li>• Respect existing neighbourhood character or achieve a preferred neighbourhood character consistent with any relevant neighbourhood character objective, policy or statement set out in this scheme.</li> <li>• Respond to integrate with the surrounding urban environment</li> <li>• Protect significance vegetation</li> </ul>	<p><b>X Does not comply</b></p> <p>The surrounding area contains many developed and undeveloped lots of the original lot sizes created in and around 1922.</p> <p>The existing lots are generally arranged in a grid with all lots being rectangular of approximately 1000m<sup>2</sup>.</p> <p>The proposal is considered to be inconsistent with the surrounding area as there are no examples of smaller lot subdivision and no evident need for additional residential land.</p> <p>The scale of the subdivision is excessive and would have a dominating impact upon the streetscape and the surrounding area.</p>
<p><b>Clause 56.04-1</b></p> <p><b>Lot diversity and distribution objectives.</b></p> <p>To achieve housing densities that support compact and walkable neighbourhoods and the efficient provision of public transport services.</p> <p>To provide higher housing densities within walking distance of activity centres.</p> <p>To achieve increased housing densities in designated growth areas.</p> <p>To provide a range of lot sizes to suit a variety of dwelling and household types.</p>	<p><b>C7</b></p> <p>A subdivision should implement any relevant housing strategy, plan or policy</p> <p>Lot sizes and mix should achieve the average net residential density specified in any zone or relevant overlay that applies to the land or in any relevant policy for the area set out in this scheme.</p> <p>A range and mix of lot sizes should be provided including lots suitable for the development of:</p> <ul style="list-style-type: none"> <li>• Single dwellings.</li> <li>• Two dwellings or more.</li> <li>• Higher density housing.</li> <li>• Residential buildings and Retirement villages.</li> </ul> <p>Unless the site is constrained by topography or other site conditions, lot distribution should provide for 95 per cent of dwellings to be located no more than 400 metre street walking distance from the nearest existing or proposed bus stop, 600 metres street walking distance from the nearest existing or proposed tram stop and 800 metres street walking distance from the nearest existing or proposed railway station.</p> <p>Lots of 300 square metres or less in area, lots suitable for the development of two dwellings or more, lots suitable for higher</p>	<p><b>✓ Complies</b></p> <p>There is no relevant housing strategy current for the area.</p> <p>There is no average net residential density specified in the zone.</p> <p>While the proposed subdivision includes lot sizes that vary from those existing, the demand for lot diversity cannot be fully established with the many vacant lots in proximity.</p>

Title & Objective	Standard	Complies/ Does Not Comply/ Variation Required
<p><b>Clause 56.01-1</b></p> <p><b>Subdivision and context description</b></p>		<p>The information submitted was considered basic and barely met the requirements. Further information was requested during the application to enable a determination be made on the application.</p>
<p><b>Clause 56.01-2</b></p> <p><b>Subdivision design response</b></p>		<p><b>X Does not comply</b></p> <p>As mentioned above, the application documentation was considered basic and did not adequately respond the context of the surrounding area.</p> <p>The proposal does not promote residential in-fill development as there are many existing vacant lots in the township.</p>
	<p>density housing and lots suitable for Residential buildings and Retirement villages should be located in and within 400 metres street walking distance of an activity centre.</p>	
<p><b>Clause 56.04-2</b></p> <p><b>Lot area and building envelopes</b></p> <p>To provide lots with areas and dimensions that enable the appropriate siting and construction of a dwelling, solar access, private open space, vehicle access and parking, water management, easements and the retention of significant vegetation and site features.</p>	<p><b>C8</b></p> <p>An application to subdivide land that creates lots of less than 300 square metres should be accompanied by information that shows:</p> <ul style="list-style-type: none"> <li>• That the lots are consistent or contain building envelope that is consistent with a development approved under this scheme, or</li> <li>• That a dwelling may be constructed on each lot in accordance with the requirements of this scheme.</li> </ul> <p>Lots of between 300 square metres and 500 square metres should:</p> <ul style="list-style-type: none"> <li>• Contain a building envelope that is consistent with a development of the lot approved under this scheme, or</li> <li>• If no development of the lot has been approved under this scheme, contain a building envelope and be able to contain a rectangle measuring 10 metres by 15 metres, or 9 metres by 15 metres if a boundary wall is nominated as part of the building envelope.</li> </ul> <p>If lots of between 300 square metres and 500 square metres are proposed to contain dwellings that are built to the boundary, the long axis of the lots should be within 30 degrees east and 20 degrees west of north unless there are significant physical constraints that make this difficult to achieve.</p> <p>Lots greater than 500 square metres should be able to contain a rectangle measuring 10 metres by 15 metres, and may contain a building envelope.</p> <p>A building envelope may specify or incorporate any relevant siting and design requirement. Any requirement should meet the relevant standards of Clause 54, unless:</p>	<p><b>✓ Complies</b></p> <p>The lots proposed range from 300 to 377 square metres. No development has been proposed as part of the subdivision.</p> <p>The proposal includes indicative building envelopes of 10m x 15m that appear capable of accommodating a dwelling that complies with Clause 54 requirements.</p> <p>The building envelopes are lengthwise east to west and therefore solar access to future dwellings is not considered to be maximised.</p> <p>The indication of walls on the northern boundary of lots 4 and 8 exceed the maximum allowed under Clause 56.04-2. The width of the lot is only 10.37m and could show a 9 x 15m envelope.</p> <p>Should a permit be approved, an amended plan would be required. To ensure Lots 4 and 8 are compliant with the building envelope requirement.</p>

Title & Objective	Standard	Complies/ Does Not Comply/ Variation Required
<p><b>Clause 56.01-1</b></p> <p><b>Subdivision and context description</b></p>		<p>The information submitted was considered basic and barely met the requirements. Further information was requested during the application to enable a determination be made on the application.</p>
<p><b>Clause 56.01-2</b></p> <p><b>Subdivision design response</b></p>		<p><b>X Does not comply</b></p> <p>As mentioned above, the application documentation was considered basic and did not adequately respond the context of the surrounding area.</p> <p>The proposal does not promote residential in-fill development as there are many existing vacant lots in the township.</p>
	<ul style="list-style-type: none"> <li>• The objectives of the relevant standards are met, and</li> <li>• The building envelope is shown as a restriction on a plan of subdivision registered under the Subdivision Act 1988, or is specified as a covenant in an agreement under Section 173 of the Act.</li> </ul> <p>Where a lot with a building envelope adjoins a lot that is not on the same plan of subdivision or is not subject to the same agreement relating to the relevant building envelope:</p> <ul style="list-style-type: none"> <li>• The building envelope must meet Standards A10 and A11 of Clause 54 in relation to the adjoining lot, and</li> <li>• The building envelope must not regulate siting matters covered by Standards A12 to A15 (inclusive) of Clause 54 in relation to the adjoining lot. This should be specified in the relevant plan of subdivision or agreement.</li> </ul> <p>Lot dimensions and building envelopes should protect:</p> <ul style="list-style-type: none"> <li>• Solar access for future dwellings and support the siting and design of dwellings that achieve the energy rating requirements of the Building Regulations.</li> <li>• Existing or proposed easements on lots.</li> <li>• Significant vegetation and site features.</li> </ul>	
<p><b>Clause 56.04-3</b></p> <p><b>Solar orientation of lots objective</b></p> <p>To provide good solar orientation of lots and solar access for future dwellings.</p>	<p><b>C9</b></p> <p>Unless the site is constrained by topography or other site conditions, at least 70 percent of lots should have appropriate solar orientation.</p> <p>Lots have appropriate solar orientation when:</p> <ul style="list-style-type: none"> <li>• The long axis of lots are within the range north 20 degrees west to north 30 degrees east, or east 20 degrees north to east 30 degrees south.</li> </ul>	<p><b>X Does not comply</b></p> <p>The application has not demonstrated the site has constraints to enable variation to this Clause.</p> <p>The application response to this Clause simply states:</p> <p><i>'These provisions mainly relate to larger residential subdivision creating a large number of allotments.'</i></p> <p>The above attempted justification is not based on any factual reason and Clause 32.08-3 requires this Clause to be relevant to a subdivision of 8 lots.</p>



Title & Objective	Standard	Complies/ Does Not Comply/ Variation Required
<p><b>Clause 56.01-1</b></p> <p><b>Subdivision and context description</b></p>		<p>The information submitted was considered basic and barely met the requirements. Further information was requested during the application to enable a determination be made on the application.</p>
<p><b>Clause 56.01-2</b></p> <p><b>Subdivision design response</b></p>		<p><b>X Does not comply</b></p> <p>As mentioned above, the application documentation was considered basic and did not adequately respond the context of the surrounding area.</p> <p>The proposal does not promote residential in-fill development as there are many existing vacant lots in the township.</p>
	<ul style="list-style-type: none"> <li>• Lots between 300 square metres and 500 square metres are proposed to contain dwellings that are built to the boundary, the long axis of the lots should be within 30 degrees east and 20 degrees west of north.</li> <li>• Dimensions of lots are adequate to protect solar access to the lot, taking into account likely dwelling size and the relationship of each lot to the street.</li> </ul>	<p>The long axis of the proposed lots are east to west which does not maximise solar access.</p> <p>Given the above reasons, it is considered the proposal does not comply with this Clause.</p>
<p><b>Clause 56.04-4</b></p> <p><b>Street orientation objective</b></p> <p>To provide a lot layout that contributes to community social interaction, personal safety and property security.</p>	<p><b>C10</b></p> <p>Subdivision should increase visibility and surveillance by:</p> <ul style="list-style-type: none"> <li>• Ensuring lots front all roads and streets and avoid the side or rear of lots being oriented to connector streets and arterial roads.</li> <li>• Providing lots of 300 square metres or less in area and lots for 2 or more dwellings around activity centres and public open space.</li> <li>• Ensuring streets and houses look onto public open space and avoiding sides and rears of lots along public open space boundaries.</li> <li>• Providing roads and streets along public open space boundaries.</li> </ul>	<p><b>✓ Complies</b></p> <p>The proposed subdivision layout only provides street orientation for the 2 lots fronting Donald Street (Lots 1 and 5). The site on a north-south long axis reducing the number of allotments that could have street frontage for this type of higher density subdivision.</p> <p>Given the proposals is not in keeping with the existing residential lot size character of the area, it could be considered the proposal should provide increased street orientation.</p> <p>While the proposal includes a large common property area, 6 of the 8 lots lack direct street interaction.</p> <p>As proposed Lots 1 and 5 will have direct street orientation and the remaining lots will be orientated to the internal common property access driveway, it can be considered the development will have street orientation.</p> <p>The subdivision does provide opportunity for any new dwelling on proposed Lots 1 and 5 to be orientated to the internal access driveway as a planning permit will not be required for any dwelling on any proposed lot. Although there is no mechanism to control the development of any lot after the subdivision is completed, it is considered the proposed lot layout does have street orientation.</p> <p>There is no formal public open space in proximity to the subject land.</p>
<p><b>Clause 56.04-5</b></p> <p><b>Common area objective</b></p>	<p><b>C11</b></p> <p>An application to subdivide land that creates common land must be accompanied by a plan and a report identifying:</p>	<p><b>✓ Complies</b></p> <p>The applicant has provided detail on the common property area delineated on the plan. The common property is required to provide access to each lot.</p>

Title & Objective	Standard	Complies/ Does Not Comply/ Variation Required
<p><b>Clause 56.01-1</b></p> <p><b>Subdivision and context description</b></p>		<p>The information submitted was considered basic and barely met the requirements. Further information was requested during the application to enable a determination be made on the application.</p>
<p><b>Clause 56.01-2</b></p> <p><b>Subdivision design response</b></p>		<p><b>X Does not comply</b></p> <p>As mentioned above, the application documentation was considered basic and did not adequately respond the context of the surrounding area.</p> <p>The proposal does not promote residential in-fill development as there are many existing vacant lots in the township.</p>
<p>To identify common areas and the purpose for which the area is commonly held.</p> <p>To ensure the provision of common area is appropriate and that necessary management arrangements are in place.</p> <p>To maintain direct public access throughout the neighbourhood street network.</p>	<ul style="list-style-type: none"> <li>• The common area to be owned by the body corporate, including any streets and open space.</li> <li>• The reasons why the area should be commonly held.</li> <li>• Lots participating in the body corporate</li> <li>• The proposed management arrangements including maintenance standards for streets and open spaces to be commonly held.</li> </ul>	<p>The common property is to be managed by a Body Corporate with all lots to participate in the body corporate and the management to be conducted by a body corporate management business.</p>
<p><b>Clause 56.05-1</b></p> <p><b>Integrated urban landscape objective</b></p> <p>To provide attractive and continuous landscaping in streets and public open spaces that contribute to the character and identity of new neighbourhoods and urban places or to existing or preferred neighbourhood character in existing urban areas.</p> <p>To incorporate natural and cultural features in the design of streets and public open space where appropriate.</p> <p>To protect and enhance native habitat and discourage the planting and spread of noxious weeds.</p> <p>To provide for integrated water management systems and contribute to drinking water conservation.</p>	<p><b>C12</b></p> <p>An application for subdivision that creates streets or public open space should be accompanied by a landscape design.</p> <p>The landscape design should:</p> <ul style="list-style-type: none"> <li>• Implement any relevant streetscape, landscape, urban design or native vegetation precinct plan, strategy or policy for the area set out in this scheme.</li> <li>• Create attractive landscapes that visually emphasise streets and public open spaces</li> <li>• Respond to the site and context description for the site and surrounding area</li> <li>• Maintain significant vegetation where possible within an urban context.</li> <li>• Take account of the physical features of the land including landform, soil and climate.</li> <li>• Protect and enhance any significant natural and cultural features.</li> <li>• Protect and link areas of significant local habitat where appropriate.</li> <li>• Support integrated water management systems with appropriate landscape design techniques for managing urban run-off including wetlands and other</li> </ul>	<p><b>✓ Complies</b></p> <p>Not applicable as no streets or public open spaces are proposed.</p>

Title & Objective	Standard	Complies/ Does Not Comply/ Variation Required
<p><b>Clause 56.01-1</b></p> <p><b>Subdivision and context description</b></p>		<p>The information submitted was considered basic and barely met the requirements. Further information was requested during the application to enable a determination be made on the application.</p>
<p><b>Clause 56.01-2</b></p> <p><b>Subdivision design response</b></p>		<p><b>X Does not comply</b></p> <p>As mentioned above, the application documentation was considered basic and did not adequately respond the context of the surrounding area.</p> <p>The proposal does not promote residential in-fill development as there are many existing vacant lots in the township.</p>
	<p>water sensitive urban design features in streets and public open space</p> <ul style="list-style-type: none"> <li>• Promote the use of drought tolerant and low maintenance plants and avoid species that are likely to spread into the surrounding environment.</li> <li>• Ensure landscaping supports surveillance and provides shade in streets, parks and public open space</li> <li>• Develop appropriate landscapes for the intended use of public open space including areas for passive and active recreation, the exercising of pets, playgrounds and shaded areas.</li> <li>• Provide for walking and cycling networks that link with community facilities.</li> <li>• Provide appropriate pathways, signage, fencing, public lighting and street furniture.</li> <li>• Create low maintenance, durable landscapes that are capable of a long life.</li> <li>• The landscape design must include a maintenance plan that sets out maintenance responsibilities, requirements and costs.</li> </ul>	
<p><b>Clause 56.06-2</b></p> <p><b>Walking and cycling network objective</b></p> <p>To contribute to community health and well being by encouraging walking and cycling as part of the daily lives of residents, employees and visitors.</p> <p>To provide safe and direct movement through and between neighbourhoods by pedestrians and cyclists.</p> <p>To reduce car use, greenhouse gas emissions and air pollution</p>	<p><b>C15</b></p> <p>The walking and cycling network should be designed to:</p> <ul style="list-style-type: none"> <li>• Implement any relevant regional and local walking and cycling strategy, plan or policy for the area set out in this scheme.</li> <li>• Link to any existing pedestrian and cycling networks.</li> <li>• Provide safe walkable distances to activity centres, community facilities, public transport stops and public open spaces.</li> <li>• Provide an interconnected and continuous network of safe, efficient and convenient footpaths, shared paths, cycle paths and cycle lanes</li> </ul>	<p><b>X Does not comply</b></p> <p>There are no defined walking or cycling networks in Nyah West with the proposal unable to contribute.</p> <p>Additionally, the surrounding road network is unmade with networks difficult to establish unless the street network was fully constructed.</p>

Title & Objective	Standard	Complies/ Does Not Comply/ Variation Required
<p><b>Clause 56.01-1</b></p> <p><b>Subdivision and context description</b></p>		<p>The information submitted was considered basic and barely met the requirements. Further information was requested during the application to enable a determination be made on the application.</p>
<p><b>Clause 56.01-2</b></p> <p><b>Subdivision design response</b></p>		<p><b>X Does not comply</b></p> <p>As mentioned above, the application documentation was considered basic and did not adequately respond the context of the surrounding area.</p> <p>The proposal does not promote residential in-fill development as there are many existing vacant lots in the township.</p>
	<p>based primarily on the network of arterial roads, neighbourhood streets and regional public open spaces.</p> <ul style="list-style-type: none"> <li>• Provide direct cycling routes for regional journeys to major activity centres, community facilities, public transport and other regional activities and for regional recreational cycling.</li> <li>• Ensure safe street and road crossings including the provision of traffic controls where required.</li> <li>• Provide an appropriate level of priority for pedestrians and cyclists.</li> <li>• Have natural surveillance along streets and from abutting dwellings and be designed for personal safety and security particularly at night.</li> <li>• Be accessible to people with disabilities.</li> </ul>	
<p><b>Clause 56.06-4</b></p> <p><b>Neighbourhood street network objectives</b></p> <p>To provide for direct, safe and easy movement through and between neighbourhoods for pedestrians, cyclists, public transport and other motor vehicles using the neighbourhood street network.</p>	<p><b>C17</b></p> <p>The neighbourhood street network must:</p> <ul style="list-style-type: none"> <li>• Take account of the existing mobility network of arterial roads, neighbourhood streets, cycle paths, shared paths, footpaths and public transport routes.</li> <li>• Provide clear physical distinctions between arterial roads and neighbourhood street types.</li> <li>• Comply with the Roads Corporation's arterial road access management policies.</li> <li>• Provide an appropriate speed environment and movement priority for the safe and easy movement of pedestrians and cyclists and for accessing public transport.</li> <li>• Provide safe and efficient access to activity centres for commercial and freight vehicles.</li> <li>• Provide safe and efficient access to all lots for service and emergency vehicles.</li> </ul>	<p><b>X Does not comply</b></p> <p>No detail provided by the applicant.</p> <p>The neighbourhood street network is not fully constructed and does not provide an accessible and safe neighbourhood street system.</p> <p>The applicant has not provided any information how the proposal will be integrated with the street network.</p>

Title & Objective	Standard	Complies/ Does Not Comply/ Variation Required
<p><b>Clause 56.01-1</b></p> <p><b>Subdivision and context description</b></p>		<p>The information submitted was considered basic and barely met the requirements. Further information was requested during the application to enable a determination be made on the application.</p>
<p><b>Clause 56.01-2</b></p> <p><b>Subdivision design response</b></p>		<p><b>X Does not comply</b></p> <p>As mentioned above, the application documentation was considered basic and did not adequately respond the context of the surrounding area.</p> <p>The proposal does not promote residential in-fill development as there are many existing vacant lots in the township.</p>
	<ul style="list-style-type: none"> <li>• Provide safe movement for all vehicles.</li> <li>• Incorporate any necessary traffic control measures and traffic management infrastructure.</li> </ul> <p>The neighbourhood street network should be designed to:</p> <ul style="list-style-type: none"> <li>• Implement any relevant transport strategy, plan or policy for the area set out in this scheme.</li> <li>• Include arterial roads at intervals of approximately 1.6 kilometres that have adequate reservation widths to accommodate long term movement demand.</li> <li>• Include connector streets approximately halfway between arterial roads and provide adequate reservation widths to accommodate long term movement demand.</li> <li>• Ensure connector streets align between neighbourhoods for direct and efficient movement of pedestrians, cyclists, public transport and other motor vehicles.</li> <li>• Provide an interconnected and continuous network of streets within and between neighbourhoods for use by pedestrians, cyclists, public transport and other vehicles.</li> <li>• Provide an appropriate level of local traffic dispersal.</li> <li>• Indicate the appropriate street type.</li> <li>• Provide a speed environment that is appropriate to the street type.</li> <li>• Provide a street environment that appropriately manages movement demand (volume, type and mix of pedestrians, cyclists, public transport and other motor vehicles).</li> <li>• Encourage appropriate and safe pedestrian, cyclist and driver behaviour.</li> </ul>	

Title & Objective	Standard	Complies/ Does Not Comply/ Variation Required
<p><b>Clause 56.01-1</b></p> <p><b>Subdivision and context description</b></p>		<p>The information submitted was considered basic and barely met the requirements. Further information was requested during the application to enable a determination be made on the application.</p>
<p><b>Clause 56.01-2</b></p> <p><b>Subdivision design response</b></p>		<p><b>X Does not comply</b></p> <p>As mentioned above, the application documentation was considered basic and did not adequately respond the context of the surrounding area.</p> <p>The proposal does not promote residential in-fill development as there are many existing vacant lots in the township.</p>
	<ul style="list-style-type: none"> <li>• Provide safe sharing of access lanes and access places by pedestrians, cyclists and vehicles.</li> <li>• Minimise the provision of culs-de-sac.</li> <li>• Provide for service and emergency vehicles to safely turn at the end of a dead-end street.</li> <li>• Facilitate solar orientation of lots.</li> <li>• Facilitate the provision of the walking and cycling network, integrated water management systems, utilities and planting of trees.</li> <li>• Contribute to the area's character and identity.</li> <li>• Take account of any identified significant features.</li> </ul>	
<p><b>Clause 56.06-5</b></p> <p><b>Walking and cycling objectives</b></p> <p>To design and construct footpaths, shared path and cycle path networks that are safe, comfortable, well constructed and accessible for people with disabilities.</p> <p>To design footpaths to accommodate wheelchairs, prams, scooters and other footpath bound vehicles.</p>	<p><b>C18</b></p> <p>Footpaths, shared paths, cycle paths and cycle lanes should be designed to:</p> <ul style="list-style-type: none"> <li>• Be part of a comprehensive design of the road or street reservation.</li> <li>• Be continuous and connect.</li> <li>• Provide for public transport stops, street crossings for pedestrians and cyclists and kerb crossovers for access to lots.</li> <li>• Accommodate projected user volumes and mix.</li> <li>• Meet the requirements of Table C1.</li> <li>• Provide pavement edge, kerb, channel and crossover details that support safe travel for pedestrians, footpath bound vehicles and cyclists, perform required drainage functions and are structurally sound.</li> <li>• Provide appropriate signage.</li> <li>• Be constructed to allow access to lots without damage to the footpath or shared path surfaces.</li> </ul>	<p><b>X Does not comply</b></p> <p>The application states the 'Subdivision will not affect any walking or cycling facilities within the township of Nyah West'.</p> <p>This comment is incorrect as there are no existing walking or cycling facilities available along Donald Street as the street is not constructed.</p> <p>As there is no proposal to upgrade Donald Street, the proposal does not comply with this Clause.</p>



Title & Objective	Standard	Complies/ Does Not Comply/ Variation Required
<p><b>Clause 56.01-1</b></p> <p><b>Subdivision and context description</b></p>		<p>The information submitted was considered basic and barely met the requirements. Further information was requested during the application to enable a determination be made on the application.</p>
<p><b>Clause 56.01-2</b></p> <p><b>Subdivision design response</b></p>		<p><b>X Does not comply</b></p> <p>As mentioned above, the application documentation was considered basic and did not adequately respond the context of the surrounding area.</p> <p>The proposal does not promote residential in-fill development as there are many existing vacant lots in the township.</p>
	<ul style="list-style-type: none"> <li>• Be constructed with a durable, non-skid surface.</li> <li>• Be of a quality and durability to ensure:                             <ul style="list-style-type: none"> <li>– Safe passage for pedestrians, cyclists, footpath bound vehicles and vehicles.</li> <li>– Preservation of all-weather access.</li> <li>– Maintenance of a reasonable, comfortable riding quality.</li> <li>– A minimum 20 year life span.</li> </ul> </li> <li>• Be accessible to people with disabilities and include tactile ground surface indicators, audible signals and kerb ramps required for the movement of people with disabilities.</li> </ul>	
<p><b>Clause 56.06-7</b></p> <p><b>Neighbourhood street network detail objective</b></p> <p>To design and construct street carriageways and verges so that the street geometry and traffic speeds provide an accessible and safe neighbourhood street system for all users.</p>	<p><b>C20</b></p> <p>The design of the streets and roads should:</p> <ul style="list-style-type: none"> <li>• Meet the requirements of Table C1. Where the widths of access lanes, access places, and access streets do not comply with the requirements of Table C1, the requirements of the relevant fire authority and roads authority must be met.</li> <li>• Provide street blocks that are generally between 120 metres and 240 metres in length and generally between 60 metres to 120 metres in width to facilitate pedestrian movement and control traffic speed</li> <li>• Have verges of sufficient width to accommodate footpaths, shared paths, cycle paths, integrated water management, street tree planting, lighting and utility needs.</li> <li>• Have street geometry appropriate to the street type and function, the physical land characteristics and achieve a safe environment for all users.</li> <li>• Provide a low-speed environment while allowing all road users to proceed</li> </ul>	<p><b>X Does not comply</b></p> <p>Donald Street is currently an unsealed road with limited infrastructure.</p> <p>As Donald Street is not constructed, and the applicant has not proposed to do any works within the existing road, it is considered this Clause is difficult to assess.</p> <p>The application does not provide adequate information to enable Council to determine the application meets this Clause.</p> <p>As proposed, the application does not propose any works within Donald Street, therefore does not comply with this Clause.</p> <p>A subdivision of this type would normally require the applicant to upgrade the road along the frontage to ensure compliance with this Clause. This is not proposed in the application.</p>

Title & Objective	Standard	Complies/ Does Not Comply/ Variation Required
<p><b>Clause 56.01-1</b></p> <p><b>Subdivision and context description</b></p>		<p>The information submitted was considered basic and barely met the requirements. Further information was requested during the application to enable a determination be made on the application.</p>
<p><b>Clause 56.01-2</b></p> <p><b>Subdivision design response</b></p>		<p><b>X Does not comply</b></p> <p>As mentioned above, the application documentation was considered basic and did not adequately respond the context of the surrounding area.</p> <p>The proposal does not promote residential in-fill development as there are many existing vacant lots in the township.</p>
	<p>without unreasonable inconvenience or delay.</p> <ul style="list-style-type: none"> <li>• Provide a safe environment for all street users applying speed control measures where appropriate.</li> <li>• Ensure intersection layouts clearly indicate the travel path and priority of movement for pedestrians, cyclists and vehicles.</li> <li>• Provide a minimum 5 metre by 5 metre corner splay at junctions with arterial roads and a minimum 3 metre by 3 metre corner splay at other junctions unless site conditions justify a variation to achieve safe sight lines across corner</li> <li>• Ensure streets are of sufficient strength to:                             <ul style="list-style-type: none"> <li>– Enable the carriage of vehicles.</li> <li>– Avoid damage by construction vehicles and equipment.</li> </ul> </li> <li>• Ensure street pavements are of sufficient quality and durability for the:                             <ul style="list-style-type: none"> <li>– Safe passage of pedestrians, cyclists and vehicles.</li> <li>– Discharge of urban run-off.</li> <li>– Preservation of all-weather access and maintenance of a reasonable, comfortable riding quality.</li> </ul> </li> <li>• Ensure carriageways of planned arterial roads are designed to the requirements of the relevant road authority.</li> <li>• Ensure carriageways of neighbourhood streets are designed for a minimum 20 year life span.</li> <li>• Provide pavement edges, kerbs, channel and crossover details designed to:                             <ul style="list-style-type: none"> <li>– Perform the required integrated water management functions.</li> </ul> </li> </ul>	

Title & Objective	Standard	Complies/ Does Not Comply/ Variation Required
<p><b>Clause 56.01-1</b></p> <p><b>Subdivision and context description</b></p>		<p>The information submitted was considered basic and barely met the requirements. Further information was requested during the application to enable a determination be made on the application.</p>
<p><b>Clause 56.01-2</b></p> <p><b>Subdivision design response</b></p>		<p><b>X Does not comply</b></p> <p>As mentioned above, the application documentation was considered basic and did not adequately respond the context of the surrounding area.</p> <p>The proposal does not promote residential in-fill development as there are many existing vacant lots in the township.</p>
	<ul style="list-style-type: none"> <li>- Delineate the edge of the carriageway for all street users.</li> <li>- Provide efficient and comfortable access to abutting lots at appropriate locations.</li> <li>- Contribute to streetscape design.</li> <li>• Provide for the safe and efficient collection of waste and recycling materials from lots.</li> <li>• Be accessible to people with disabilities.</li> <li>• Meet the requirements of Table C1. Where the widths of access lanes, access places, and access streets do not comply with the requirements of Table C1, the requirements of the relevant fire authority and roads authority must be met. Where the widths of connector streets do not comply with the requirements of Table C1, the requirements of the relevant public transport authority must be met.</li> </ul> <p>A street detail plan should be prepared that shows, as appropriate:</p> <ul style="list-style-type: none"> <li>• The street hierarchy and typical cross-sections for all street types.</li> <li>• Location of carriageway pavement, parking, bus stops, kerbs, crossovers, footpaths, tactile surface indicators, cycle paths and speed control and traffic management devices.</li> <li>• Water sensitive urban design features.</li> <li>• Location and species of proposed street trees and other vegetation.</li> <li>• Location of existing vegetation to be retained and proposed treatment to ensure its health.</li> <li>• Any relevant details for the design and location of street furniture, lighting, seats, bus stops, telephone boxes and mailboxes.</li> </ul>	

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<p><b>Clause 56.01-1</b></p> <p><b>Subdivision and context description</b></p>		<p>The information submitted was considered basic and barely met the requirements. Further information was requested during the application to enable a determination be made on the application.</p>
<p><b>Clause 56.01-2</b></p> <p><b>Subdivision design response</b></p>		<p><b>X Does not comply</b></p> <p>As mentioned above, the application documentation was considered basic and did not adequately respond the context of the surrounding area.</p> <p>The proposal does not promote residential in-fill development as there are many existing vacant lots in the township.</p>
<p><b>Clause 56.06-8</b></p> <p><b>Lot access objective</b></p> <p>To provide for safe vehicle access between roads and lots.</p>	<p><b>C21</b></p> <p>Vehicle access to lots abutting arterial roads should be provided from service roads, side or rear access lanes, access places or access streets where appropriate and in accordance with the access management requirements of the relevant roads authority.</p> <p>Vehicle access to lots of 300 square metres or less in area and lots with a frontage of 7.5 metres or less should be provided via rear or side access lanes, places or streets.</p> <p>The design and construction of a crossover should meet the requirements of the relevant road authority</p>	<p><b>X Does not comply</b></p> <p>No detail has been provided regarding lot access to the subdivision. Only internal works information was provided.</p>
<p><b>Clause 56.07-1</b></p> <p><b>Drinking water supply objectives</b></p> <p>To reduce the use of drinking water. To provide an adequate, cost-effective supply of drinking water.</p>	<p><b>C22</b></p> <p>The supply of drinking water must be:</p> <ul style="list-style-type: none"> <li>Designed and constructed in accordance with the requirements and to the satisfaction of the relevant water authority.</li> <li>Provided to the boundary of all lots in the subdivision to the satisfaction of the relevant water authority.</li> </ul>	<p><b>✓ Complies</b></p> <p>The application was referred to LMW and consent was granted subject to conditions relating to connections for water and sewer.</p>
<p><b>Clause 56.07-2</b></p> <p><b>Reused and recycled water objective</b></p> <p>To provide for the substitution of drinking water for non-drinking purposes with reused and recycled water.</p>	<p><b>C23</b></p> <p>Reused and recycled water supply systems must be:</p> <ul style="list-style-type: none"> <li>Designed, constructed and managed in accordance with the requirements and to the satisfaction of the relevant water authority, Environment Protection Authority and Department of Health and Human Services.</li> <li>Provided to the boundary of all lots in the subdivision where required by the relevant water authority</li> </ul>	<p><b>✓ Complies</b></p> <p>Not incorporated.</p>
<p><b>Clause 56.07-3</b></p> <p><b>Waste water management objective</b></p> <p>To provide a waste water system that is adequate for</p>	<p><b>C24</b></p> <p>Waste water systems must be:</p> <ul style="list-style-type: none"> <li>Designed, constructed and managed in accordance with the requirements and to the satisfaction of the relevant water</li> </ul>	<p><b>✓ Complies</b></p> <p>LMW require all lots to be connected to sewer and provided conditions advising same.</p>

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<p><b>Clause 56.01-1</b></p> <p><b>Subdivision and context description</b></p>		<p>The information submitted was considered basic and barely met the requirements. Further information was requested during the application to enable a determination be made on the application.</p>
<p><b>Clause 56.01-2</b></p> <p><b>Subdivision design response</b></p>		<p><b>X Does not comply</b></p> <p>As mentioned above, the application documentation was considered basic and did not adequately respond the context of the surrounding area.</p> <p>The proposal does not promote residential in-fill development as there are many existing vacant lots in the township.</p>
<p>the maintenance of public health and the management of effluent in an environmentally friendly manner.</p>	<p>authority and the Environment Protection Authority.</p> <ul style="list-style-type: none"> <li>Consistent with any relevant approved domestic waste water management plan</li> </ul> <p>Reticulated waste water systems must be provided to the boundary of all lots in the subdivision where required by the relevant water authority</p>	
<p><b>Clause 56.07-4</b></p> <p><b>Stormwater management objectives</b></p> <p>To minimise damage to properties and inconvenience to residents from stormwater.</p> <p>To ensure that the street operates adequately during major storm events and provides for public safety.</p> <p>To minimise increases in stormwater and protect the environmental values and physical characteristics of receiving waters from degradation by stormwater.</p> <p>To encourage stormwater management that maximises the retention and reuse of stormwater.</p> <p>To encourage stormwater management that contributes to cooling, local habitat improvements and provision of attractive and enjoyable spaces.</p>	<p><b>C25</b></p> <p>The stormwater management system must be:</p> <ul style="list-style-type: none"> <li>Designed and managed in accordance with the requirements and to the satisfaction of the relevant drainage authority</li> <li>Designed and managed in accordance with the requirements and to the satisfaction of the water authority where reuse of stormwater is proposed.</li> <li>Designed to meet the current best practice performance objectives for stormwater quality as contained in the Urban Stormwater - Best Practice Environmental Management Guidelines (Victorian Stormwater Committee, 1999).</li> <li>Designed to ensure that flows downstream of the subdivision site are restricted to pre-development levels unless increased flows are approved by the relevant drainage authority and there are no detrimental downstream impacts.</li> <li>Designed to contribute to cooling, improving local habitat and providing attractive and enjoyable spaces.</li> </ul> <p>The stormwater management system should be integrated with the overall development plan including the street and public open space networks and landscape design.</p>	<p><b>Pending</b></p> <p>A stormwater management plan was not provided with the original application. This should be a standard inclusion for any planning application for this type of subdivision.</p> <p>The applicant was requested by Council to provide a stormwater management plan as part of the application process.</p> <p>The applicant provided a stormwater management plan and was then referred to Council's Engineering Department.</p> <p>The Engineering Department consented to the application subject to strict conditions requiring the applicant to provide design detail to the satisfaction of the Responsible Authority on how the stormwater will be constructed.</p> <p>The conditions will require the applicant to construct the required infrastructure (and any associated infrastructure) to satisfy Council.</p>

Title & Objective	Standard	Complies/ Does Not Comply/ Variation Required
<p><b>Clause 56.01-1</b></p> <p><b>Subdivision and context description</b></p>		<p>The information submitted was considered basic and barely met the requirements. Further information was requested during the application to enable a determination be made on the application.</p>
<p><b>Clause 56.01-2</b></p> <p><b>Subdivision design response</b></p>		<p><b>X Does not comply</b></p> <p>As mentioned above, the application documentation was considered basic and did not adequately respond the context of the surrounding area.</p> <p>The proposal does not promote residential in-fill development as there are many existing vacant lots in the township.</p>
	<p>For all storm events up to and including the 20% Average Exceedence Probability (AEP) standard:</p> <ul style="list-style-type: none"> <li>• Stormwater flows should be contained within the drainage system to the requirements of the relevant authority.</li> <li>• Ponding on roads should not occur for longer than 1 hour after the cessation of rainfall.</li> </ul> <p>For storm events greater than 20% AEP and up to and including 1% AEP standard:</p> <ul style="list-style-type: none"> <li>• Provision must be made for the safe and effective passage of stormwater flows.</li> <li>• All new lots should be free from inundation or to a lesser standard of flood protection where agreed by the relevant floodplain management authority</li> <li>• Ensure that streets, footpaths and cycle paths that are subject to flooding meet the safety criteria <math>daVave &lt; 0.35 \text{ m}^2/\text{s}</math> (where, <math>da</math>= average depth in metres and <math>Vave</math>= average velocity in metres per second).</li> </ul> <p>The design of the local drainage network should:</p> <ul style="list-style-type: none"> <li>• Ensure stormwater is retarded to a standard required by the responsible drainage authority.</li> <li>• Ensure every lot is provided with drainage to a standard acceptable to the relevant drainage authority. Wherever possible, stormwater should be directed to the front of the lot and discharged into the street drainage system or legal point of discharge.</li> <li>• Ensure that inlet and outlet structures take into account the effects of obstructions and debris build up. Any surcharge drainage pit should discharge into an overland flow in a safe and predetermined manner.</li> <li>• Include water sensitive urban design features to manage stormwater in streets and public open space. Where</li> </ul>	



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<p><b>Clause 56.01-1</b></p> <p><b>Subdivision and context description</b></p>		<p>The information submitted was considered basic and barely met the requirements. Further information was requested during the application to enable a determination be made on the application.</p>
<p><b>Clause 56.01-2</b></p> <p><b>Subdivision design response</b></p>		<p><b>X Does not comply</b></p> <p>As mentioned above, the application documentation was considered basic and did not adequately respond the context of the surrounding area.</p> <p>The proposal does not promote residential in-fill development as there are many existing vacant lots in the township.</p>
	<p>such features are provided, an application must describe maintenance responsibilities, requirements and costs.</p> <p>Any flood mitigation works must be designed and constructed in accordance with the requirements of the relevant floodplain management authority</p>	
<p><b>Clause 56.08-1</b></p> <p><b>Site management objectives</b></p> <p>To protect drainage infrastructure and receiving waters from sedimentation and contamination.</p> <p>To protect the site and surrounding area from environmental degradation or nuisance prior to and during construction of subdivision works.</p> <p>To encourage the re-use of materials from the site and recycled materials in the construction of subdivisions where practicable.</p>	<p><b>C26</b></p> <p>A subdivision application must describe how the site will be managed prior to and during the construction period and may set out requirements for managing:</p> <ul style="list-style-type: none"> <li>• Erosion and sediment.</li> <li>• Dust.</li> <li>• Run-off.</li> <li>• Litter, concrete and other construction wastes.</li> <li>• Chemical contamination.</li> <li>• Vegetation and natural features planned for retention.</li> </ul>	<p><b>X Does not comply</b></p> <p>Applicant has stated that these provisions 'are not seen relevant to this application'.</p> <p>Standard C26 requires a subdivision application 'must' describe how the site will be managed prior and during the construction period.</p> <p>This was not submitted with the application and therefore does not comply with Standard C26.</p>

Title & Objective	Standard	Complies/ Does Not Comply/ Variation Required
<p><b>Clause 56.01-1</b></p> <p><b>Subdivision and context description</b></p>		<p>The information submitted was considered basic and barely met the requirements. Further information was requested during the application to enable a determination be made on the application.</p>
<p><b>Clause 56.01-2</b></p> <p><b>Subdivision design response</b></p>		<p><b>X Does not comply</b></p> <p>As mentioned above, the application documentation was considered basic and did not adequately respond the context of the surrounding area.</p> <p>The proposal does not promote residential in-fill development as there are many existing vacant lots in the township.</p>
	<p>Recycled material should be used for the construction of streets, shared paths and other infrastructure where practicable.</p>	
<p><b>Clause 56.09-1</b></p> <p><b>Shared trenching objectives</b></p> <p>To maximise the opportunities for shared trenching.</p> <p>To minimise constraints on landscaping within street reserves</p>	<p><b>C27</b></p> <p>Reticulated services for water, gas, electricity and telecommunications should be provided in shared trenching to minimise construction costs and land allocation for underground services.</p>	<p><b>Pending</b></p> <p>Limited detail provided. Should a permit be granted, this will need to be considered as part of the construction plans.</p>
<p><b>Clause 56.09-2</b></p> <p><b>Electricity, telecommunications and gas objective</b></p> <p>To provide public utilities to each lot in a timely, efficient and cost effective manner.</p> <p>To reduce greenhouse gas emissions by supporting generation and use of electricity from renewable sources.</p>	<p><b>C28</b></p> <p>The electricity supply system must be designed in accordance with the requirements of the relevant electricity supply agency and be provided to the boundary of all lots in the subdivision to the satisfaction of the relevant electricity authority.</p> <p>Arrangements that support the generation or use of renewable energy at a lot or neighbourhood level are encouraged.</p> <p>The telecommunication system must be designed in accordance with the requirements of the relevant telecommunications servicing agency and should be consistent with any approved strategy, policy or plan for the provision of advanced telecommunications infrastructure, including fibre optic technology. The telecommunications system must be provided to the boundary of all lots in the subdivision to the satisfaction of the relevant telecommunications servicing authority.</p> <p>Where available, the reticulated gas supply system must be designed in accordance with the requirements of the relevant gas supply agency and be provided to the boundary of all lots in the subdivision to the satisfaction of the relevant gas supply agency</p>	<p><b>Pending</b></p> <p>Limited detail provided. Should a permit be granted, this will need to be considered as part of the construction plans.</p>
<p><b>Clause 56.09-3</b></p> <p><b>Fire hydrant objective</b></p>	<p><b>C29</b></p> <p>Fire hydrants should be provided:</p>	<p><b>✓ Complies</b></p> <p>The application was referred to the CFA and advised there is an existing hydrant located in the</p>

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<p><b>Clause 56.01-1</b></p> <p><b>Subdivision and context description</b></p>		The information submitted was considered basic and barely met the requirements. Further information was requested during the application to enable a determination be made on the application.
<p><b>Clause 56.01-2</b></p> <p><b>Subdivision design response</b></p>		<p><b>X Does not comply</b></p> <p>As mentioned above, the application documentation was considered basic and did not adequately respond the context of the surrounding area.</p> <p>The proposal does not promote residential in-fill development as there are many existing vacant lots in the township.</p>
<p>To provide fire hydrants and fire plugs in positions that enable fire fighters to access water safely, effectively and efficiently.</p>	<ul style="list-style-type: none"> <li>A maximum distance of 120 metres from the rear of the each lot.</li> <li>No more than 200 metres apart.</li> </ul> <p>Hydrants and fire plugs must be compatible with the relevant fire service equipment. Where the provision of fire hydrants and fire plugs does not comply with the requirements of standard C29, fire hydrants must be provided to the satisfaction of the relevant fire authority.</p>	<p>road reserve directly north of the property that provides hydrant coverage in accordance with Standard C29.</p>
<p><b>Clause 56.09-4</b></p> <p><b>Public lighting objective</b></p> <p>To provide public lighting to ensure the safety of pedestrians, cyclists and vehicles.</p> <p>To provide pedestrians with a sense of personal safety at night.</p> <p>To contribute to reducing greenhouse gas emissions and to saving energy.</p>	<p><b>C30</b></p> <p>Public lighting should be provided to streets, footpaths, public telephones, public transport stops and to major pedestrian and cycle paths including public open spaces that are likely to be well used at night to assist in providing safe passage for pedestrians, cyclists and vehicles.</p> <p>Public lighting should be designed in accordance with the relevant Australian Standards.</p> <p>Public lighting should be consistent with any strategy, policy or plan for the use of renewable energy and energy efficient fittings.</p>	<p><b>Pending</b></p> <p>The applicant has stated all services will be provided to each allotment.</p> <p>As the application is proposing a high density development in an unmade street, it is expected that should a permit be granted, a condition requiring street lighting be required.</p>

## General Provisions

### Clause 65 Decision guidelines

Because a permit can be granted does not imply that a permit should or will be granted. The Responsible Authority must decide whether the proposal will produce acceptable outcomes in terms of the decision guidelines of this clause.

#### Clause 65.02 Approval of an application to subdivide land

In accordance with Clause 65.02, before deciding on an application to subdivide land, the Responsible Authority must also consider, as appropriate:

- The suitability of the land for subdivision.
- The existing use and possible future development of the land and nearby land.
- The availability of subdivided land in the locality, and the need for the creation of further lots.
- The effect of development on the use or development of other land which has a common means of drainage.

- The subdivision pattern having regard to the physical characteristics of the land including existing vegetation.
- The density of the proposed development.
- The area and dimensions of each lot in the subdivision.
- The availability and provision of utility services, including water, sewerage, drainage, electricity and gas.
- If the land is not sewered and no provision has been made for the land to be sewered, the capacity of the land to treat and retain all sewage and sullage within the boundaries of each lot.
- Whether, in relation to subdivision plans, native vegetation can be protected through subdivision and siting of open space areas.

## Assessment

This application is not considered an appropriate planning outcome. The proposal is an overdevelopment of the site creating 8 allotments ranging from 300m<sup>2</sup> to 377m<sup>2</sup> in a small rural township that has an existing character of single dwellings on allotments of approximately 1000m<sup>2</sup> and Donald Street is not constructed. It is also considered the density of the proposal will have an adverse amenity impact on the surrounding residential area.

As discussed in this report, the Nyah West population is in decline (according to Census data) and there is only one known subdivision permit issued in the township for residential purposes (according to Council records). The township has many residential development opportunities on existing vacant allotments that have been vacant for many years.

Any application submitted to Council for assessment must also contain adequate information to enable a decision to be made. It is considered the application as submitted did not contain adequate information to justify the proposal in favour of the applicant.

The overdevelopment of the site can strain existing infrastructure such as the unmade road and utilities. It is considered the proposed subdivision is proposing a development beyond what is sustainable and suitable for the area.

The application did not provide adequate information to ensure the existing infrastructure can cope with the additional development and did not propose to upgrade existing infrastructure to ensure the development meets all relevant standards and objectives.

It is acknowledged a permit may be granted to create smaller lots in accordance with Clause 32.08-3, but the creation of the high density allotments must be assessed against the relevant planning policy (PPF), Municipal Planning Strategy (MPS) and decision guidelines of the Swan Hill Planning Scheme and as outlined in this report, it is considered the proposal is contrary to the PPF and Clause 56.

Should the proposal be supported by Council, this would set a precedent for other land in the Nyah West township to be subdivided for high density allotments and this would create an undesirable outcome on an area that has limited infrastructure.

Given the above, it is considered the proposal is an overdevelopment of the site and an unacceptable planning outcome. The recommendation is to issue a notice of refusal to issue a permit subject to the reasons outlined at the end of this report.

**Recommendation**

That Planning Permit Application Number **PLN2023013** be determined pursuant to Section 65 of the *Planning and Environment Act 1987* by issuing a notice of decision to Refuse to Grant a Planning Permit for **Subdivision of Land (8 Lots) in the General Residential Zone on 15 Donald Street, Nyah West VIC 3595** subject to the following reasons:

1. The proposal is inconsistent with the purpose of the General Residential Zone.
2. The development is inconsistent with the standards and objectives of Clause 56 of the Swan Hill Planning Scheme, in particular:
  - a. Is inconsistent with the neighbourhood character of the area. The scale of the subdivision is excessive and would have a dominating impact upon the streetscape and the surrounding area.
  - b. Does not provide lot diversity.
  - c. Does not provide adequate solar orientation of lots in accordance with Clause 56.04-3.
  - d. The neighbourhood street network is not fully constructed and does not provide an accessible and safe neighbourhood street system.
  - e. The proposal has not demonstrated safe vehicle access between the unsealed road (Donald Street) and the site.
  - f. The application does not describe how the site will be managed prior to and during the construction period in accordance with Standard C26.
3. The proposed subdivision is inconsistent with the Planning Policy Framework of the Swan Hill Planning Scheme, in particular:
  - a. Clause 15.01-1S as the higher density nature of the subdivision does not adequately respond to the existing subdivision and residential character of the area and township.
  - b. Clause 15.01-1L as it does not protect the residential character of Nyah West due to the proposed lot size being inconsistent with the Nyah West township lot size character.
  - c. Clause 15.01-3S as the subdivision does not provide for any variation in lot size or design and is inconsistent with the prevailing subdivision pattern of the township.
  - d. Clause 15.01-5S as the proposed subdivision does not respect the local subdivision pattern and character.
  - e. Clause 16.01-1S as the high density subdivision in a town that does not anticipate population growth (according to Census data). The proposal would result in excessive amount of small lots that will detract from the rural country setting of the town.
  - f. Clause 16.01-1L as it does not encourage future serviced residential expansion south of Elizabeth Street in Nyah West.
4. The proposed development will result in unreasonable amenity impacts to the surrounding properties.
5. The proposal will set a precedent for similar subdivisions within the urban area of Nyah West which will impact the character and existing drainage infrastructure of the township.

Report prepared by:



Warrick Fisher  
Planning Team Leader

**Date:** 10 November 2023

Peer Reviewed by:



Kate Jewell  
Development Manager

**Date:** XX November 2023





## PROPOSED PLANNING CONDITIONS

**Application No:** PLN2023013  
**Address:** 15 Donald Street Nyah West VIC 3595  
**Proposal Description:** Subdivision of land (8 lots) in the General Residential Zone

### Amended Plans

1. Before the plan of subdivision is certified under the Subdivision Act 1988, plans must be approved and endorsed by the Responsible Authority. The plans must:
  - a) be prepared to the satisfaction of the Responsible Authority
  - b) be drawn to scale with dimensions and submitted in electronic form
  - c) be generally in accordance with the plans forming part of the application, but amended to show the following:
    - i. Lots 4 and 8 to be compliant with the building envelope requirement of Clause 56.04-2 (Standard C8).

### Plans

2. The layout of the subdivision must not be altered from the layout on the approved and endorsed plans without the written consent of the Responsible Authority.

### Statement of Compliance

3. Before the Statement of Compliance is issued under the Subdivision Act 1988, all planning conditions and all other requirements of the Responsible Authority and the relevant referral authorities must be completed or satisfactorily provided for, to the satisfaction of the Responsible Authority and the relevant referral authorities.

### Certification of Plan

4. The plan of subdivision submitted for Certification under the Subdivision Act 1988 must be referred to the relevant authority in accordance with Section 8 of that Act.

### Services

5. 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 (where it is proposed to be connected) services to each lot shown on the endorsed plan in accordance with the authority's requirements and relevant legislation at the time.

### Easements

6. 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.



### **Telecommunications**

7. The owner of the land must enter into an agreement with:
  - a telecommunications network or service provider for the provision of telecommunication services to each lot shown on the endorsed plan in accordance with the provider's requirements and relevant legislation at the time; and
  - a suitably qualified person for the provision of fibre ready telecommunication facilities to each lot shown on the endorsed plan in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.
8. Before the issue of a Statement of Compliance for any stage of the subdivision under the *Subdivision Act 1988*, the owner of the land must provide written confirmation from:
  - a telecommunications network or service provider that all lots are connected to or are ready for connection to telecommunications services in accordance with the provider's requirements and relevant legislation at the time; and
  - a suitably qualified person that fibre ready telecommunication facilities have been provided in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.

### **Public Open Space Contribution**

9. Prior to issuing the Statement of Compliance for the subdivision approved by this permit, the owner must pay to Council a 5% cash-in-lieu opens space contribution in respect to all of the land in the subdivision pursuant to Section 18 of the Subdivision Act 1988.

### **Council Engineering Department Conditions**

#### Donald Street Upgrade

10. Before a Statement of Compliance for the plan of subdivision is issued under the Subdivision Act 1988, the permit holder must upgrade Donald Street from the western section side of the land and connect to the existing sealed section of the Station Street intersection to the satisfaction of the Responsible Authority.

#### Detailed Construction Plans

11. Before any works associated with the subdivision start, detailed construction plans must be approved and endorsed by the Responsible Authority. The construction plans must:



- a) Be prepared to the satisfaction of the Responsible Authority
- b) Be drawn to scale with dimensions and submitted electronically.
- c) Include the following:
  - i. fully sealed pavement across the allotments frontage and must connect with Station Street
  - ii. drainage system, sewer, water and telecommunications infrastructure
  - iii. vehicular crossings
  - iv. street lighting
  - v. street signage
  - vi. line-marking and retro reflective raised pavement markers (RRPMs)
  - vii. street trees.
- d) All works must be in accordance with the relevant requirements of the Infrastructure Design Manual (IDM) to the satisfaction of the Responsible Authority.
- e) The responsible authority may consent in writing to vary any of the details of these requirements.
- f) Any modifications to the detailed construction plans agreed to by the responsible authority must be shown on an amended plan that is endorsed by the responsible authority.

#### Construction Management Plan

12. Before the development or any site works start, a Construction Management Plan must be submitted to and approved by the Responsible Authority. When approved the Construction Management Plan will be endorsed and form part of the permit. The management plan must show:
  - a) Measures to control erosion and sediment and sediment laden water runoff including the design details of structures
  - b) Dust control
  - c) Where any construction wastes, equipment, machinery and/or earth is to be stored/stockpiled during construction
  - d) Where access to the site for construction vehicle traffic will occur
  - e) The location of any temporary buildings or yards.

Works on the land must be undertaken in accordance with the endorsed Construction Management Plan to the satisfaction of the Responsible Authority.

13. Control Measures in accordance with the approved Construction Management Plan shall be employed throughout the construction of works to the satisfaction of the Responsible Authority. The Responsible Authority must be kept informed in writing of any departures from the Construction Management Plan. If in the opinion of the Responsible Authority the departure from the approved plan is significant than an amended plan must be submitted to and approved by the Responsible Authority. The approved measures must be carried out continually and completed to the satisfaction of the Responsible Authority.

#### As Constructed Plans



14. Before a Statement of Compliance for the plan of subdivision is issued under the Subdivision Act 1988, the permit holder must submit to the satisfaction of the Responsible Authority and any relevant authority:
- An assets statement for Donald Street upgrading works
  - As constructed information for all construction work undertaken in each stage of the development in accordance with Council's Infrastructure Design Manual (IDM)
  - A certified plan showing the extent and depth of fill in excess of 300mm placed on any of the allotments.

#### Car Park Construction

15. Before a Statement of Compliance for the plan of subdivision is issued under the Subdivision Act 1988, the area(s) set aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:
- Constructed
  - Properly formed to such levels that they can be used in accordance with the plans
  - Surfaced with concrete
  - Drained and maintained
  - Line marked to indicate each car space and all access lanes
  - Clearly marked to show the direction of traffic along access lanes and driveways
- To the satisfaction of the Responsible Authority. Car spaces, access lanes and driveways must be kept available for these purposes at all times, to the satisfaction of the Responsible Authority.

#### Vehicle Manoeuvring

16. All car parking spaces must be designed to allow all vehicles to enter and exit the land in a forward direction.

#### New Vehicle Crossing

17. A Before a Statement of Compliance for the plan of subdivision is issued under the Subdivision Act 1988, vehicular crossings shall be constructed in accordance with the endorsed plan(s) to the satisfaction of the Responsible Authority, and must :
- Be constructed at right angles to the road, and any redundant crossing shall be removed and replaced with table drain
  - Be setback a minimum of 1 metre from any side-entry pit, power or telecommunications pole, manhole cover or marker, and a minimum of 2.5 metres from the trunk of any street tree.

#### Sight Distance Requirements

18. The Sight distance requirements for the Access Driveway as detailed in AS 2890.1 must be provided for the vehicular access points to the land to the satisfaction of the Responsible Authority.

#### Internal Access Driveway

19. Before a Statement of Compliance for the plan of subdivision is issued under the Subdivision Act 1988, the internal access driveway must be constructed, formed, finished and drained to the satisfaction of the Responsible Authority.



Sediment Discharges

20. The applicant/owner must restrict sediment discharges from any construction sites within the property in accordance with Construction Techniques for Sediment Pollution Control (EPA 1991).

Drainage to a Legal Point of Discharge

21. Before a Statement of Compliance for the plan of subdivision is issued under the Subdivision Act 1988, all stormwater and surface water drainage from the land, buildings and works must be connected to the legal point of discharge by underground pipe drains to the satisfaction of the Responsible Authority. Effluent and/or polluted water must not be discharged to Council's stormwater drainage system from the land.

Outfall Drainage Lines

22. All drainage courses or outfall drainage lines required to the legal point of discharge and which pass through lands other than those within boundaries of the development shall be constructed at the cost of the applicant and the applicant shall secure adequate easements for such drainage to be constructed within. Such easements as required shall be registered at the Land Titles Office.

1% AEP Storm

23. Before the plan of subdivision is certified under the Subdivision Act 1988, 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. In rural areas natural flow paths across private property may be used.

Drainage Plan

24. Before the plan of subdivision is certified under the Subdivision Act 1988, a drainage plan with computations prepared by a suitably qualified person 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 the permit. The plans must be drawn to scale with dimensions and a minimum of three copies must be provided. The plans must be in accordance with Council's Infrastructure Design Manual and include
  - a) All necessary computations and supporting design documentation for drainage infrastructure
  - b) Flow paths as per Condition No. 18
  - c) How the land will be drained
  - d) Underground pipe drains conveying stormwater to the legal point of discharge
  - e) Measures to enhance stormwater discharge quality from the site and protect downstream waterways
  - f) A maximum discharge rate from the site of 37 l/sec/ha
  - g) Documentation demonstrating approval from the relevant authority for the legal point of discharge



- h) The provision of gross pollutant and/or litter traps installed at the drainage outfall of the development to ensure that no effluent or polluted water of any type may be allowed to enter the Council's stormwater drainage system.

Existing Conditions

25. Any relocation, alteration or replacement of services/utilities affected by this development must be relocated/modified in accordance with the requirements of the relevant servicing authority and the Responsible Authority, entirely at the cost of the owner/developer.

Road and Drainage Works Complete

26. Before a Statement of Compliance for the plan of subdivision is issued under the Subdivision Act 1988, all road and drainage works required by the approved road and drainage plans must be completed to the satisfaction of the Responsible Authority.

Construction Waste

27. All construction activities, including the storage of materials and the parking of construction vehicles, are to be undertaken from within the site. The storage of building goods and associated items shall be wholly upon the subject site and not on adjacent Council owned land or road reserves unless approved in writing by the Responsible Authority.
28. No mud, dirt, sand, soil, clay, stones, oil, grease, scum, litter, chemicals, sediments, gross pollutants, animal waste or domestic waste shall be washed into, allowed to enter or discharged to the stormwater drainage system, receiving waters or surrounding land and road reserves, during the construction works hereby approved to the satisfaction of the Responsible Authority.

Supervision Fee

29. Before a Statement of Compliance for the plan of subdivision is issued under the Subdivision Act 1988, the applicant shall pay the Responsible Authority a supervision fee of 3.25% of the value of the works to be taken over by Council.

Construction Cost

30. Before a Statement of Compliance for the plan of subdivision is issued under the Subdivision Act 1988, a bank guarantee for the construction works must be lodged with the Responsible Authority. The guarantee must be 5% of the cost of roads, drainage and hard landscaping and the calculated amount must be based on the Bill of Quantities. This amount is nominated to cover any maintenance works required but not completed within the maintenance period nominated by IDM clause 8.3.

Protection of Native Vegetation

31. Before works start, a plan identifying all native vegetation to be retained in the road reserve and describing the measures to be used to protect the identified vegetation during construction, must be approved and endorsed by the Responsible Authority.





**Powercor Conditions**

- 32. The plan of subdivision submitted for certification under the Subdivision Act 1988 shall be referred to the Distributor in accordance with Section 8 of that Act.
- 33. The applicant shall provide an electricity supply to all lots in the subdivision in accordance with the Distributor's requirements and standards.  
**Notes:** Extension, augmentation or rearrangement of the Distributor's electrical assets may be required to make such supplies available, with the cost of such works generally borne by the applicant.
- 34. The applicant shall ensure that existing and proposed buildings and electrical installations on the subject land are compliant with the Victorian Service and Installation Rules (VSIR).  
**Notes:** Where electrical works are required to achieve VSIR compliance, a registered electrical contractor must be engaged to undertake such works.

**Lower Murray Water Conditions**

- 35. The plan of subdivision submitted for certification under the Subdivision Act 1988 must be referred to Lower Murray Water pursuant to Section 8 of that Act.
- 36. The requirements of Lower Murray Water must be met, in regard to the provision of water supply and sewerage services to the land, including payment of all associated costs prior to the Corporation agreeing to the issue of a Statement of Compliance.
- 37. The holder of this permit or authorised agent must meet Lower Murray Water's requirements regarding easements in favour of the Lower Murray Urban and Rural Water Corporation prior to the submission of any plan of subdivision for Certification.

**Permit Expiry**

- 38. This permit as it relates to development (subdivision) will expire if one of the following circumstances applies:
  - a) The plan of subdivision has not been certified under the Subdivision Act 1988 within 2 years of the issued date of this permit.
  - b) A statement of compliance is not issued within 5 years of the date of certification.

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.

**PERMIT NOTES:**

**SHRCC Note:**

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



**LMW Notes:**

Lower Murray Water requires that the holder of this permit be advised that the Owners Corporation is responsible for the maintenance and proper working order of the allotments and/or common property.

*Urban Water Supply:*

The land is located inside the Corporation's Urban Water District. Urban water is available subject to the owners meeting Lower Murray Water's conditions and requirements.

The development will require a new 32mm tapping and 8 radio meters.

A New Customer Contribution for Water is payable for the 7 additional lots.

*Sewerage:*

The land is located inside the Corporation's Sewerage District. Sewerage is available subject to the owners meeting Lower Murray Water's conditions and requirements.

The development will be required to remove two existing Sewer connection points.

A New Customer Contribution for Sewer is payable for the 7 additional lots.

**CFA Note:**

The existing hydrant located in road reserve directly north of the property provides fire hydrant coverage in accordance with Standard C29 of Clause 56.09-3.

## 2.6 Planning Application - 110 Madang Road Robinvale - Dwelling Excision in the Farming Zone

**Directorate:** Development and Planning  
**File Number:** **PLN2023057**  
**Purpose:** For Decision

### EXECUTIVE SUMMARY

<b>Application Number:</b>	PLN2023057
<b>Proposal:</b>	2-Lot Subdivision (Excision of 2 Dwellings) in the Farming Zone
<b>Applicant's Name:</b>	Roy Costa Planning & Development
<b>Address:</b>	110 Madang Road Robinvale
<b>Land Size:</b>	10.42 ha
<b>Zoning:</b>	Farming Zone
<b>Overlays:</b>	N/A
<b>Referral Authorities:</b>	Lower Murray Water & Council's Engineering Department
<b>Why is a Permit Required?</b>	Subdivision of land
<b>Lodgement date:</b>	14/07/2023
<b>Relevant SHRCC VCAT Decisions</b>	Refer Officers Report

### Declarations of Interest:

Council Officers affirm that no general or material conflicts need to be declared in relation to the matter of this report.

### Recommendation

#### That Council:

**Refuse to grant a planning permit for the Subdivision of Land (2 Lots) in the Farming Zone at 110 Madang Road Robinvale for the following reasons:**

1. The proposal is contrary to Clause 02.03-4 (Natural Resource Management) of the Municipal Planning Strategy in relation to the protection of agricultural land and discouraging small lot subdivision in rural areas that undermines the productive agricultural base of the Swan Hill Rural City Council.
2. The proposal is contrary to Clause 14.01 (Agriculture) of the Planning Policy Framework for the following reasons:
  - a. It will result in inappropriate fragmentation of rural land
  - b. Does not consolidate existing isolated small lots in rural zones
  - c. Small lot subdivision is discouraged for personal and financial circumstances, and for rural lifestyle purposes
  - d. Small lot subdivisions are discouraged unless the balance lot is at least the minimum lot size specified in the zone (20ha), which the proposal does not meet.
3. The proposal is contrary to the Farming Zone's purpose and decision guidelines in the protection and retention of productive agricultural land.
4. The proposal will set a precedent for similar Farming Zone land within the municipality that would contradict the purpose and decision guidelines of the Farming Zone and threaten the productive agricultural base of the Swan Hill Rural City Council.
5. The applicant has not provided adequate evidence of the existing dwellings having existing use rights in accordance with Clause 63 of the Swan Hill Planning Scheme.

A comprehensive assessment of the proposal against the relevant provisions of the Swan Hill Planning Scheme is contained in the attached officer report.

#### **Key Points / Issues:**

- The application proposes a 2-Lot Subdivision (Excision of 2 Dwellings) in the Farming Zone of an existing lot of 10.42 hectares.
- Proposed Lot 1: 0.845 hectares and proposed to accommodate the existing dwelling/s and associated outbuildings, whilst proposed Lot 2: 9.575 hectares being the balance lot and contains the existing vineyard.



Figure 1 – Aerial image of subject land



Figure 2 – Aerial image of surrounding area



Figure 3 – Proposed Subdivision

- The application may be made in accordance with Clause 35.07-3 of the Farming Zone as it provides the ability to submit a planning application for a subdivision to create a lot for an existing dwelling and the subdivision must be a 2-lot subdivision. This does not mean that because a permit can be submitted for an application, a permit will be granted. The application must be assessed against the relevant planning policy, MPS, purpose and decision guidelines of the zone, and other relevant sections of the Swan Hill Planning Scheme.
- Any application submitted to Council for assessment must also contain adequate information to enable a decision to be made. It is considered the application as submitted did not contain adequate information to justify the proposal.
- Dwelling excisions on rural allotments of this nature can have detrimental effects on the future operation of farming land if the subdivision does not have a direct relationship with the farming activity on the land.
- It is unfortunate there have been many dwelling excisions allowed in the Farming Zone across the municipality creating residential allotments in the Farming Zone. This can cause 'right to farm' issues, unnecessary land use conflicts and loss of agricultural land. Allowing excisions of dwellings on farming lots creates residential areas within the Farming Zone that slowly over time creates a greater loss of agricultural land. The poor planning outcomes of previous decisions should not be a consideration of whether to approve the current application.
- The application was presented to a Council Assembly meeting which gave the applicant and owner an opportunity to address Councillors on the application. The owner addressed Councillors advising that he and his family wish to continue to reside in one of the dwellings to be excised and not operate the horticultural use of the land. This creates a residential use of the existing



dwellings within a farming area that planning policy strongly discourages as the dwellings will have no link to any farming use. The excised dwellings lot is also too small for any sustainable and productive farming use. This removes the land from any future agricultural production.

- The subdivision will enable each lot to be separately disposed of. The application does not contain adequate detail on how the subdivision will create a better farming outcome. The proposal represents a major shift from the existing horticultural use on the site to a horticultural lot and a residential lot that has no direct relationship with a farming use.
- The applicant has suggested the inclusion of a S.173 Agreement on the balance lot to prevent the construction of a dwelling on this allotment. The imposition of a limiting agreement is not a panacea for a poor decision.
- There are many VCAT decisions within the Swan Hill Rural City Council municipality for similar Farming Zone subdivision applications that do not support this type of subdivision. The VCAT decisions are discussed in more detail in the attached Planning Department delegation report.

### **Policy Impacts:**

The proposed subdivision is contrary to the following critical Municipal Planning Strategy (MPS) and Planning Policy Framework (PPF) of the Swan Hill Planning Scheme:

### **Municipal Planning Strategy (MPS):**

The proposal is contrary to the following:

- Clause 02-03-4 Natural resource management

This Clause seeks to protect the protection of agricultural land and discourages small lot subdivision in rural areas that undermines the productive agricultural base of the Swan Hill Rural City Council.

### **Planning Policy Framework (PPF):**

The proposal is contrary to the following:

- Clause 14.01-1S – Protection of agricultural land
- Clause 14.01-1L – Agriculture

The proposal is contrary to Clause 14.01 (Agriculture) of the PPF for the following reasons:

1. It will result in inappropriate fragmentation of rural land.
2. Does not consolidate existing isolated small lots in rural zones.
3. Small lot subdivision is discouraged for personal and financial circumstances, and for rural lifestyle purposes.

4. Small lot subdivision is discouraged unless the balance lot is at least the minimum lot size specified in the zone (20ha), which the proposal does not meet.

The attached officer report provides further specific details on how the proposal is contrary to the MPS and PPF.

**Consultation:**Advertising

The application was not advertised.

Referrals

Application was referred to Lower Murray Water and Council's Engineering Department, both approving the application subject to conditions.

**Financial Implications:** N/A

**Social Implications:** N/A

**Economic Implications:** N/A

**Environmental Implications:** N/A

**Risk Management Implications:** N/A

**Conclusion:**

This application is contrary to the MPS, PPF and the Farming Zone as outlined in this report and the attached officer report from the Planning Department.

The proposal is another rural subdivision inadequately justified in accordance with the Swan Hill Planning Scheme and does not provide an agricultural benefit.

As mentioned in this report, it is unfortunate there have been many dwelling excisions allowed in the Farming Zone across the municipality over many years that have created residential allotments in the Farming Zone. VCAT decisions within the municipality have determined this type of rural subdivision is inappropriate.

Should this application be approved by Council, it will continue to set a precedent that Council considers this type of rural subdivision is appropriate, contrary to the Swan Hill Planning Scheme and VCAT decisions for similar applications.

**Options:**

1. Council issues a Notice of Decision to Refuse to Grant a Planning Permit

2. Council issues a Planning Permit subject to the conditions outlined in the attachment.

- Attachments:**
1. Proposed- Plan [2.6.1 - 1 page]
  2. Applicant Submission [2.6.2 - 7 pages]
  3. Officers Report [2.6.3 - 16 pages]
  4. Proposed Planning Conditions [2.6.4 - 3 pages]

#### **CM 2023/86 Motion**

#### **MOVED Cr McKay**

**That Council issues a Planning Permit subject to the conditions outlined in the attachment.**

#### **SECONDED Cr Young**

**The Motion was put and LOST 3 / 4**

Cr McKay called for a division

**For:** Cr Kelly, Cr McKay and Cr Young

**Against:** Cr King, Cr McPhee, Cr Jeffery and Cr Moar

#### **CM 2023/87 Motion**

#### **MOVED Cr McPhee**

**That Council:**

**Refuse to grant a planning permit for the Subdivision of Land (2 Lots) in the Farming Zone at 110 Madang Road Robinvale for the following reasons:**

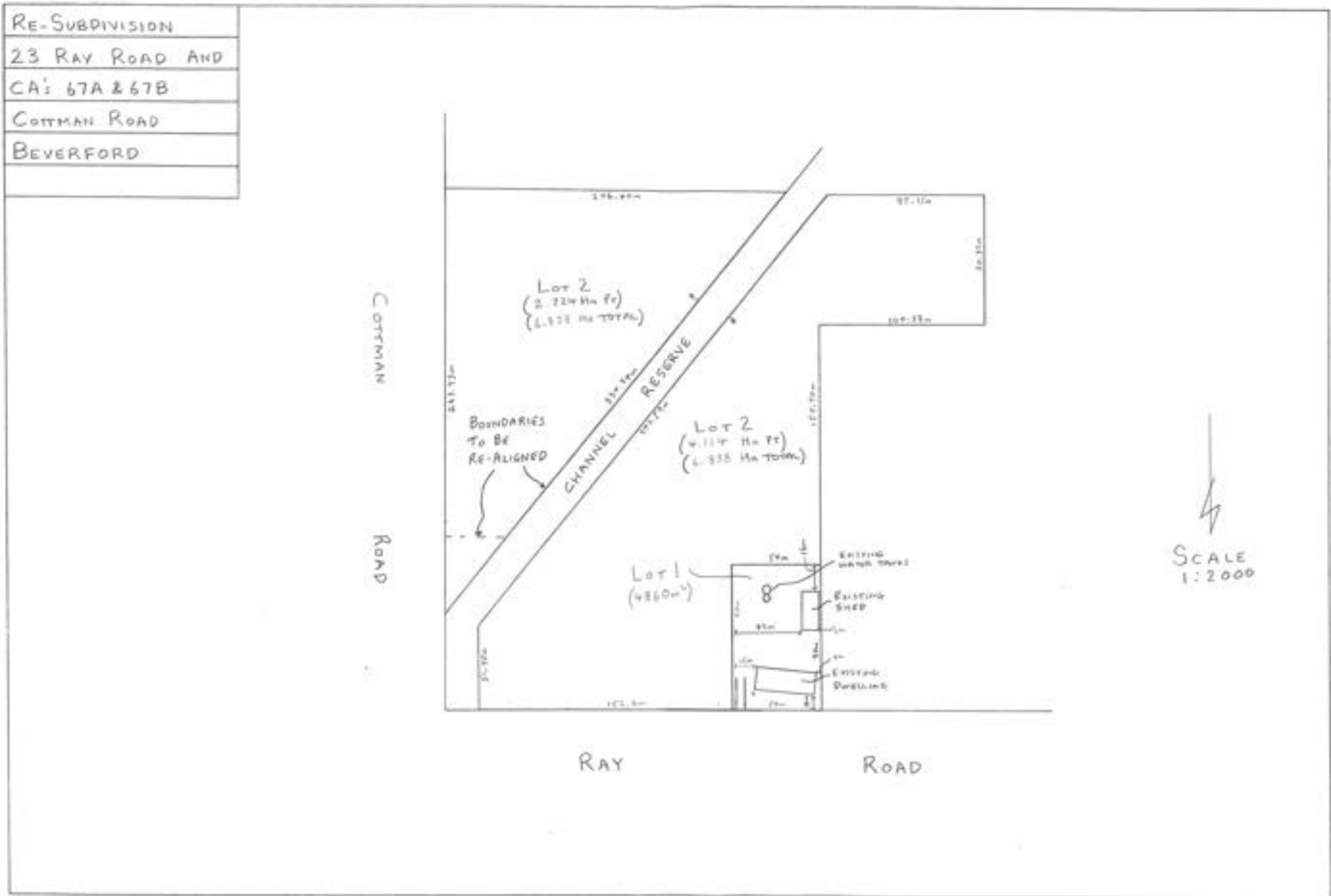
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4. The proposal will set a precedent for similar Farming Zone land within the municipality that would contradict the purpose and decision guidelines

**of the Farming Zone and threaten the productive agricultural base of the Swan Hill Rural City Council.**

- 5. The applicant has not provided adequate evidence of the existing dwellings having existing use rights in accordance with Clause 63 of the Swan Hill Planning Scheme.**

**SECONDED Cr Jeffery**

**The Motion was put and CARRIED 4 / 3**





**ROY COSTA PLANNING & DEVELOPMENT**

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

Our Ref: 23-040  
Your Ref:

1 June 2023

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

Dear Sir/Madam,

**PLANNING APPLICATION  
RE-SUBDIVISION  
23 RAY ROAD AND CA'S 67A & 67B COTTMAN ROAD BEVERFORD**

Enclosed, please find a planning application lodged on behalf of the owners, proposing the re-alignment of boundaries of the above properties.

At present the following exists:

- |                       |         |   |
|-----------------------|---------|---|
| • 23 Ray Road         | 4.6ha   | Dwelling, Shed, Water Tanks & Vacant Land |
| • CA 67A Cottman Road | 2.638ha | Vacant Land                               |
| • CA 67B Cottman Road | 0.086ha | Vacant Land                               |

It should be noted that the land did have old horticultural plantings upon the land, that have been removed.

The current owners have sold proposed Lot 2 to purchasers seeking to redevelop the land into new horticultural production.

The purchasers have no requirement for the dwelling and to include the dwelling in the purchase inflates the property value that would make it non-viable for the re-development of the land for horticultural purposes.

Furthermore, the owners wish to remain in the dwelling for their retirement; and have an area for the growing of vegetables and garden.

This application is seeking to re-align the boundaries between the three existing allotments to create the following:

- |         |                    |                                |
|---------|--------------------|--------------------------------|
| • Lot 1 | 8860m <sup>2</sup> | Dwelling, Shed and Water Tanks |
|---------|--------------------|--------------------------------|

PLANNING INSTITUTE AUSTRALIA – REGISTERED PLANNER (RPIA)

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







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PLANNING INSTITUTE AUSTRALIA – REGISTERED PLANNER (RPIA)

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





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The current owners have sold proposed Lot 2 to purchasers seeking to redevelop the land into new horticultural production.

The purchasers have no requirement for the dwelling and to include the dwelling in the purchase inflates the property value that would make it non-viable for the re-development of the land for horticultural purposes.

Furthermore, the owners wish to remain in the dwelling for their retirement; and have an area for the growing of vegetables and garden.

This application is seeking to re-align the boundaries between the three existing allotments to create the following:

- |         |                    |                                |
|---------|--------------------|--------------------------------|
| • Lot 1 | 8860m <sup>2</sup> | Dwelling, Shed and Water Tanks |
|---------|--------------------|--------------------------------|

PLANNING INSTITUTE AUSTRALIA – REGISTERED PLANNER (RPIA)

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





**ROY COSTA PLANNING & DEVELOPMENT**

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

Our Ref: 23-040  
Your Ref:

1 June 2023

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

Dear Sir/Madam,

**PLANNING APPLICATION  
RE-SUBDIVISION  
23 RAY ROAD AND CA'S 67A & 67B COTTMAN ROAD BEVERFORD**

Enclosed, please find a planning application lodged on behalf of the owners, proposing the re-alignment of boundaries of the above properties.

At present the following exists:

- |                       |         |   |
|-----------------------|---------|---|
| • 23 Ray Road         | 4.6ha   | Dwelling, Shed, Water Tanks & Vacant Land |
| • CA 67A Cottman Road | 2.638ha | Vacant Land                               |
| • CA 67B Cottman Road | 0.086ha | Vacant Land                               |

It should be noted that the land did have old horticultural plantings upon the land, that have been removed.

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# Planning Assessment Report

## Delegate Report

### Application Details

<b>Application Number:</b>	PLN2023057	<b>Planner:</b>	Warrick Fisher
<b>Application Description:</b>	2-Lot Subdivision (Excision of 2 Dwellings) in the Farming Zone		
<b>Application Received:</b>	14 July 2023		
<b>Land / Address:</b>	110 Madang Road, Robinvale 3549 Crown Allotment 30, Section E, Parish of Bumbang		
<b>MPS:</b>	Clause 02.03-4		
<b>PPF:</b>	Clause 14.01		
<b>Zoning:</b>	Clause 35.07 Farming Zone (FZ)		
<b>Overlays:</b>	Nil		
<b>Land Use Terms:</b>	Subdivision		
<b>Under what clause(s) is a permit required?</b>	Clause 35.07-3 – Subdivision		
<b>Restrictive covenants on title?</b>	Nil		
<b>Current Use &amp; Development:</b>	Single lot, 2 dwellings and outbuildings, horticulture		
<b>Is a Cultural Heritage Management Plan Required?</b>	No		
<b>Relevant SHRCC VCAT Decisions</b>	<ol style="list-style-type: none"> <li>1. <b>Davoli v Swan Hill RCC [2023] VCAT P819/2023 (27 October 2023)</b> 124 Lae Road, Robinvale <b>Permit applicant: Roy Costa Planning &amp; Development</b> Verbal decision by VCAT</li> <li>2. <b>Zappia v Swan Hill RC [2008] VCAT 1446 (16 July 2008)</b> 3 Timor Road, Robinvale <b>Permit applicant: Roy Costa Planning &amp; Development</b> <a href="https://www8.austlii.edu.au/cgi-bin/viewdoc/au/cases/vic/VCAT/2008/1446.html?context=1;query=swan%20hill;mask_path=au/cases/vic/VCAT">https://www8.austlii.edu.au/cgi-bin/viewdoc/au/cases/vic/VCAT/2008/1446.html?context=1;query=swan%20hill;mask_path=au/cases/vic/VCAT</a></li> <li>3. <b>Burns v Swan Hill RCC [2023] VCAT 1184 (25 October 2023)</b> 5 Little Murray Weir Road, Castle Donnington <b>Permit applicant: Roy Costa Planning &amp; Development</b> <a href="https://www8.austlii.edu.au/cgi-bin/viewdoc/au/cases/vic/VCAT/2023/1184.html?context=1;query=burns%20v%20swan%20hill;mask_path=au/cases/vic/VCAT">https://www8.austlii.edu.au/cgi-bin/viewdoc/au/cases/vic/VCAT/2023/1184.html?context=1;query=burns%20v%20swan%20hill;mask_path=au/cases/vic/VCAT</a></li> </ol>		

**Subject Site & Locality**

The subject land is located on the southern side of Madang Road, Robinvale, approximately 8.5km south of the Robinvale CAD.

The site is used for horticultural purposes, with 2 dwellings and outbuildings that are located to the north-west corner of the land. The applicant has submitted on the plan the land contains 2 dwellings to be excised.

Land within the immediate area of the subject site is used primarily for intensive horticultural purposes.

The site comprises an irregular shaped parcel having a total site area of 10.42ha.

The site has 214.99m of frontage to Madang Road which is a sealed road.



Figure 1: Existing Plan of Subdivision (Crown Allotment 30, Sec 8, Parish of Bumbang)



Figure 2: Aerial image of subject land (Source: VicPlan)

The surrounding land comprises intensive horticultural land uses and development similar to the subject land. There are dwellings on many of the surrounding allotments and many have been excised from the horticultural allotments creating many residential allotments in the Farming Zone.

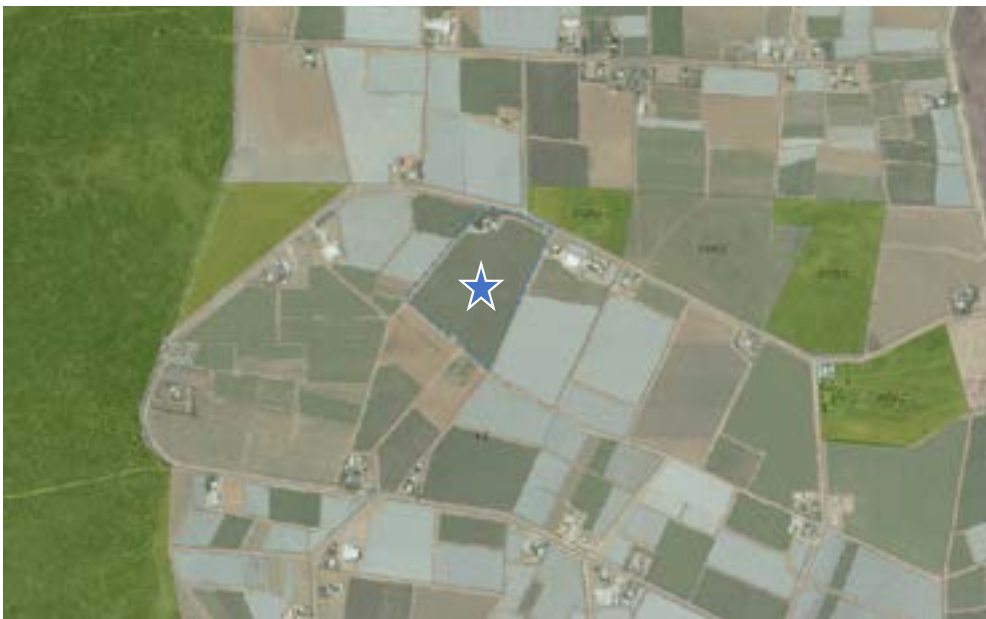


Figure 3: Aerial image of surrounding area

**Proposal**

The application proposes a 2-Lot Subdivision (Excision of 2 Dwellings) in the Farming Zone of an existing lot of 10.42 hectares. The subdivision proposes the creation of an allotment for the existing dwellings. The subdivision is detailed as:

1. Proposed Lot 1: 0.845 hectares and proposed to accommodate the existing dwelling/s and associated outbuildings.
2. Proposed Lot 2: 9.575 hectares being the balance lot and contains the existing vineyard.

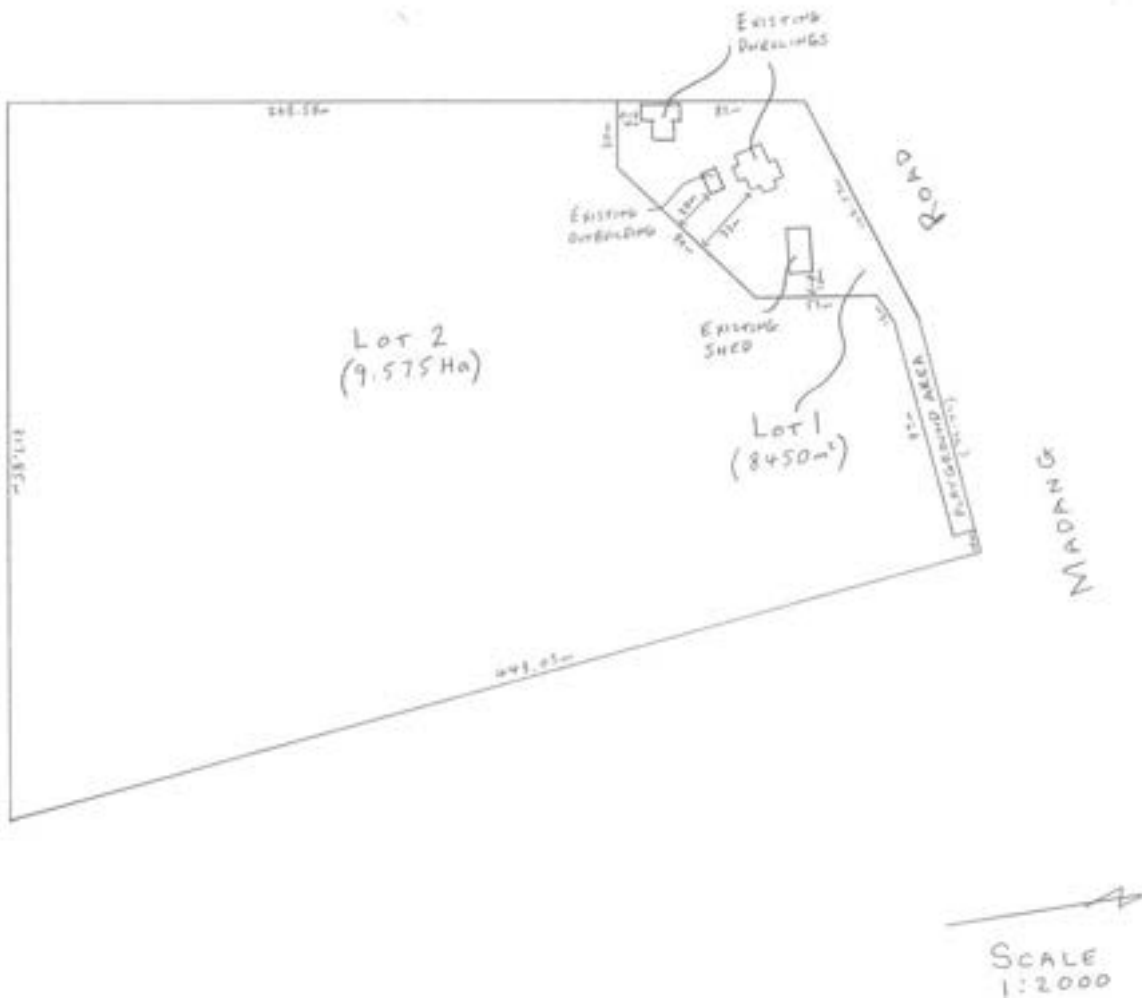


Figure 4: Proposed plan of subdivision submitted with the application.

The application contained the following information/documents:

1. Application form
2. Copy of Certificate of Title and Title Plan
3. Proposed hand drawn plan of subdivision
4. Brief written planning report
5. A cultural heritage planning assessment.

The application documentation described the purpose of the subdivision is for the current owner to sell proposed Lot 2 (vineyard balance lot) to a prospective purchaser and the purchaser does not require the dwellings, shed or outbuildings. The application does not include any information regarding consolidating the land with the prospective purchasers land or where the prospective purchaser has other horticultural land.

The application also advises the proposed subdivision will require a small area of vines to be removed (approximately 1000m<sup>2</sup> of vines).

The land is within the Robinvale Irrigation District.

### Permit Application History

Below is a review of the permit application history:

- The application was submitted to Council on 14/07/2023.
- The proposal is almost identical to a recent VCAT decision that upheld Council's decision to refuse the application for a 2 lot subdivision (dwelling excision) in the Farming Zone at 124 Lae Road, Robinvale (*P819/2023 Davoli v Swan Hill RCC 2023*)

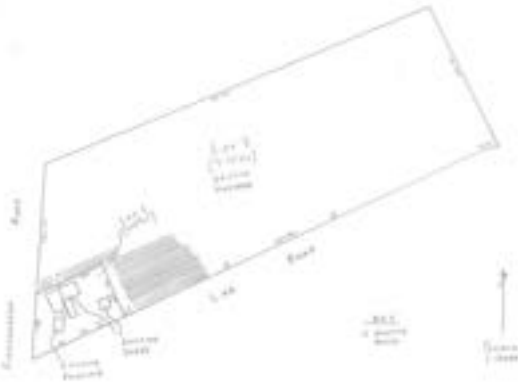


Figure 5: Proposed plan of subdivision refused by VCAT for 124 Lae Road, Robinvale

- The application was not advertised as it was regarded from the outset by officers that the proposal was unable to be supported. In such instances it is sound planning practice to not put the applicant to further expenditure through additional stages that involves additional costs.
- There was no request for further information.
- The application was not required to be referred under Section 55 of the Act.
- Internal advice was requested to the Engineering Department and the application was also referred to Lower Murray Water under Section 52 for comment. No objections were received.
- Letter was sent to applicant on 15/08/2023 advising the application would be recommended for refusal by the Planning Department and listed the reasons for refusal. The letter also offered a 75% refund of application fees should the application be withdrawn by the applicant. On the same day the applicant responded requesting the application be put before a Council meeting for a decision by Councillors.
- A second letter was sent to the applicant on 24/08/2023 advising the application will be recommended for refusal and will be included in the next available Councillor Assembly briefing session. The offer to withdraw the application was again proposed to the applicant. A response was received from the applicant on 25/08/2023 advising the applicant position remains and advised they wish to be heard before Councillors prior to a determination being made by Councillors.

### Site History

There is no site history relevant to this proposal.

### Restrictive Covenant / Section 173 Agreement

Nil

### Public Notification

The application was not advertised as it was regarded from the outset by officers that the proposal was unable to be supported. In such instances it is sound planning practice to not put the applicant to further expenditure through additional stages that involves additional costs.

### Cultural Heritage Management Plan

Not required.

### Referrals

There are no referral authorities specified in the planning scheme for an application of this type.

The application was referred to Lower Murray Water and Council's Engineering Department for comment in accordance with Section 52 of the Act. Both had no objection subject to conditions.

#### Lower Murray Water:

- 4 conditions and 4 permit notes relating to water and drainage services to the land and meet LMW requirements for easements.

#### Council's Engineering Department:

- 1 condition relating to ensuring stormwater remains within each lot.

### Municipal Planning Strategy (MPS)

#### Clause 02-03-4 Natural resource management

This clause is based around the need to preserve and protect the valuable agricultural and horticultural land within the municipality, particularly from the impacts of additional dwellings or small lot subdivisions in farming areas. The clause also recognises that significant fragmentation has already occurred, particularly in high value irrigated areas close to the Murray River.

The clause goes on to include the following statements:

*In order to manage the natural resources in the Rural City, Council will:*

- **Protect horticultural and dryland agriculture because it is fundamental for economic growth.**
- **Discourage small lot subdivision in rural areas that undermines the productive agricultural base of the Rural City.**
- **Discourage dwellings in rural areas that are not related to agriculture.**
- *Discourage land uses in the Farming Zone that are not directly related to agriculture, or that have an adverse impact on agricultural opportunities.*
- *Support rural industry so long as it is associated with a rural activity.*
- *Direct rural industries to locations where the impact on agricultural land and off-site effects are minimised, and where good road access is available.*
- *Encourage the proper siting and design of intensive animal production to protect residential amenity and environmental quality.*



It is considered the proposal is contrary to Clause 02.03-4 (Natural Resource Management) of the Municipal Planning Strategy in relation to the protection of agricultural land and discouraging small lot subdivision in rural areas that undermines the productive agricultural base of the Swan Hill Rural City Council.

### Planning Policy Framework (PPF)

The proposal is contrary to the following clauses in Clause 14.01 of the PPF:

- Clause 14.01-1S – Protection of agricultural land
- Clause 14.01-1L – Agriculture

The proposal is contrary to Clause 14.01 (Agriculture) of the PPF for the following reasons:

1. It will result in inappropriate fragmentation of rural land.
2. Does not consolidate existing isolated small lots in rural zones.
3. Small lot subdivision is discouraged for personal and financial circumstances, and for rural lifestyle purposes.
4. Small lot subdivision is discouraged unless the balance lot is at least the minimum lot size specified in the zone (20ha), which the proposal does not meet.

The above sections of the PPF are further detailed below and note Clause 14.01-1L provides detailed policy regarding small lot subdivisions.

#### Clause 14.01 – Agriculture

##### Clause 14.01-1S Protection of agricultural land

##### Objective

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

##### Strategies

- Identify areas of productive agricultural land, including land for primary production and intensive agriculture.
- Consider state, regional and local, issues and characteristics when assessing agricultural quality and productivity.
- Avoid permanent removal of productive agricultural land from the state's agricultural base without consideration of the economic importance of the land for the agricultural production and processing sectors.
- Protect productive farmland that is of strategic significance in the local or regional context.
- Protect productive agricultural land from unplanned loss due to permanent changes in land use.
- Prevent inappropriately dispersed urban activities in rural areas.
- Protect strategically important agricultural and primary production land from incompatible uses.
- Limit new housing development in rural areas by:
  - Directing housing growth into existing settlements.
  - Discouraging development of isolated small lots in the rural zones from use for dwellings or other incompatible uses.
  - Encouraging consolidation of existing isolated small lots in rural zones.
- In considering a proposal to use, subdivide or develop agricultural land, consider the:
  - Desirability and impacts of removing the land from primary production, given its agricultural productivity.
  - Impacts on the continuation of primary production on adjacent land, with particular regard to land values and the viability of infrastructure for such production.
  - Compatibility between the proposed or likely development and the existing use of the surrounding land.
  - The potential impacts of land use and development on the spread of plant and animal pests from areas of known infestation into agricultural areas.
  - Land capability.
- Avoid the subdivision of productive agricultural land from diminishing the long-term productive capacity of the land.

**Clause 14.01-1L Agriculture**

**Objective**

*'To discourage small lot subdivision that prejudices surrounding agricultural activities'.*

**Strategies**

Strategy	Response
Discourage 'small lot' subdivision unless the balance lot is at least the minimum lot size specified in the zone.	<b>X Strategy NOT MET</b> Both proposed lots are less than then 20ha minimum lot size specified in the zone.
<i>Discourage small lot subdivision to meet personal and financial circumstances.</i>	<b>X Strategy NOT MET</b> The application as submitted demonstrates the subdivision is required to meet personal and financial circumstances as the applicant is seeking to continue living in one of the existing dwellings but wants to sell the vineyard, while the prospective purchaser is wanting to purchase the vineyard but does not require the dwellings and associated buildings.
<i>Prevent small lot subdivision to create lots for 'rural lifestyle' purposes.</i>	<b>X Strategy NOT MET</b> The proposal clearly creates a lot for 'rural lifestyle' purposes as the existing owner intends to continue to reside in his dwelling and not be associated with the rural use of the land. There is no indication of the proposed use of the second dwelling. The size of proposed Lot 1 clearly demonstrates the lot will not have an associated farming use.
<i>Encourage any excised lot to be of a manageable size that maintains sufficient land on the balance lot to support agricultural activity.</i>	<b>X Strategy NOT MET</b> It is unsure if the existing horticultural activity is viable. The application was not supported by a farm management plan to demonstrate the viability of the existing vineyard.
<i>Require the excision of a dwelling to be via the re-subdivision of existing lots so that the number of lots is not increased.</i>	<b>X Strategy NOT MET</b> The subdivision is not being undertaken via the re-subdivision of existing lots. The application is for a 2 lot subdivision of an existing allotment.
<i>Discourage the creation of long, narrow lots, 'axe handle' lots or island-style lots.</i>	<b>Strategy MET</b>
<i>Discourage subdivisions that will impact on significant farm infrastructure.</i>	<b>? Insufficient information provided</b> There is no information provided in the application determine if the subdivision will impact on farm infrastructure. It is known 1000m <sup>2</sup> of existing vineyard will be removed for the subdivision, reducing the viability of the farming land.
<i>Discourage further subdivision (by any method) of land where a dwelling has already been excised from the land.</i>	<b>Strategy MET</b> No previous dwelling has been excised from the land.
<i>Discourage the excision of a dwelling if it is required for the carrying out of agricultural activities on the land.</i>	<b>X Strategy NOT MET</b> It has been stated in the application the dwellings are no longer required for the horticultural activity on the land. Although, this is the current circumstance, history of the land provides evidence the dwellings have been required for the existing horticultural land use and this does not mean it will not be required again in the future. The proposal

	will remove the potential for the dwellings to be used in association with the horticultural use of the land in the future.
<i>Ensure the excision dwelling is habitable and has existing use rights under Clause 63.</i>	<b>X Strategy NOT MET</b> No information was provided to determine if the existing dwellings on the land have existing use rights in accordance with Clause 63.
<i>Encourage a beneficial agricultural outcome for the land.</i>	<b>X Strategy NOT MET</b> The proposal does not provide a beneficial agricultural outcome and no evidence has been provided. The application was not supported by a farm management plan that could demonstrate a beneficial outcome. Given the limited information provided with the application, there is no factual comment that can be made to whether there is beneficial outcome as a result of the subdivision.
<i>Consolidate land in the same ownership if consolidation would facilitate the productive use of land.</i>	<b>N/A</b>
<i>Whether there is a need for an agreement under Section 173 of the Act that specifies that the land may not be further subdivided (except in accordance with the minimum lot size in the zone).</i>	<b>COMMENT:</b> The applicant has suggested the inclusion of a Section 173 Agreement on the balance lot to prevent the construction of a dwelling on this allotment.  Should a permit be granted, it is considered a Section 173 Agreement would be required to ensure no further dwellings are constructed on the balance lot and the land is not further subdivided by any means unless via consolidation.

The assessment of the strategies outlined in Clause 14.01-1L demonstrates the proposal is contrary to policy for small lot subdivision.

On balance, the proposal as submitted does not adequately justify the proposal.

## Zoning

### Clause 35.07 Farming Zone

#### Purpose

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

#### Clause 35.07-3 Subdivision

A permit is required to subdivide land.

Each lot must be at least the area specified for the land in a schedule to this zone. If no area is specified, each lot must be at least 40 hectares.

A permit may be granted to create smaller lots if any of the following apply:

- **The subdivision is to create a lot for an existing dwelling. The subdivision must be a two lot subdivision.**
- The subdivision is the re-subdivision of existing lots and the number of lots is not increased.
- The subdivision is by a public authority or utility service provider to create a lot for a utility installation.

The Schedule to the Farming Zone stipulates the **minimum subdivision area is 20ha** of all land which is in a gazetted irrigation district or where a water use licence has been issued and applied to land for horticultural production purposes. This proposal is contrary to this requirement as both lots are below 20ha. In fact, the balance lot is proposed to be only 9.575ha.

It is acknowledged a permit may be granted to create a smaller lot in accordance with Clause 35.07-3, but the creation of the smaller lot/s must be assessed against the relevant planning policy, Municipal Planning Strategy (MPS) and decision guidelines of the Swan Hill Planning Scheme.

It is considered the proposal is contrary to not only the purpose and decision guidelines of the Farming Zone, the application fails to be supported by planning policy and the MPS as previously detailed in this report.

### Overlays

Nil

### Particular Provisions

#### Clause 65 Decision guidelines

Because a permit can be granted does not imply that a permit should or will be granted. The responsible authority must decide whether the proposal will produce acceptable outcomes in terms of the decision guidelines of this clause.

#### Clause 65.02 Approval of an application to subdivide land

In accordance with Clause 65.02, before deciding on an application to subdivide land, the Responsible Authority must also consider, as appropriate:

- The suitability of the land for subdivision.
- The existing use and possible future development of the land and nearby land.
- The availability of subdivided land in the locality, and the need for the creation of further lots.
- The effect of development on the use or development of other land which has a common means of drainage.
- The subdivision pattern having regard to the physical characteristics of the land including existing vegetation.
- The density of the proposed development.
- The area and dimensions of each lot in the subdivision.
- The availability and provision of utility services, including water, sewerage, drainage, electricity and gas.
- If the land is not sewered and no provision has been made for the land to be sewered, the capacity of the land to treat and retain all sewage and sullage within the boundaries of each lot.
- Whether, in relation to subdivision plans, native vegetation can be protected through subdivision and siting of open space areas.

## Assessment

This application is for a 2 lot subdivision (excision of 2 dwellings) in the Farming Zone and is strongly discouraged by the Swan Hill Planning Scheme.

The application may be made in accordance with Clause 35.07-3 of the Farming Zone as it provides the ability to submit a planning application for a subdivision to create a lot for an existing dwelling and the subdivision must be a two lot subdivision. This does not mean that because a permit can be submitted for an application, a permit will be granted. The application must be assessed against the relevant planning policy, MPS, purpose and decision guidelines of the zone, and other relevant sections of the Swan Hill Planning Scheme.

Any application submitted to Council for assessment must also contain adequate information to enable a decision to be made. It is considered the application as submitted did not contain adequate information to justify the proposal. The application was not supported by a farm management plan demonstrating how the subdivision will benefit the future farming use of the land. Comments were made about a farmer in the area is potentially purchasing the horticultural balance lot, but this has not been substantiated in the application.

Dwelling excisions on rural allotments of this nature can have detrimental effects on the future operation of farming land if the subdivision does not have a direct relationship with the farming activity on the land. It is essential to ensure that any decision to approve a dwelling excision, that there is a beneficial farming outcome. In this instance, it is considered the current owner wishes to reside in one of the excised dwellings and there is no guarantee the current owner will not sell the excised dwelling lot to someone else in the future that wishes to use the dwelling as a rural lifestyle lot, which will potentially create land use conflicts with the existing farming use of the land.

It is unfortunate there have been a large number of dwelling excisions allowed in the Farming Zone across the municipality creating residential allotments in the Farming Zone. This can cause 'right to farm' issues, unnecessary land use conflicts and loss of agricultural land. Allowing excisions of dwellings on farming lots creates residential areas within the Farming Zone that slowly over time creates a greater loss of agricultural land. The poor planning outcomes of previous decisions should not be a consideration of whether to approve the current application.

The application was presented to a Council Assembly meeting which gave the applicant and owner an opportunity to address Councillors on the application. The owner addressed Councillors advising that he and his family wish to continue to reside in one of the dwellings to be excised and not operate the horticultural use of the land. This ultimately creates a residential use of the existing dwellings within a farming area that planning policy strongly discourages as the dwellings will have no link to any farming use. The excised dwellings lot is also too small for any sustainable and productive farming use. This ultimately removes the land from any future agricultural production.

The subdivision will enable each lot to be separately disposed of. The application does not contain adequate detail on how the subdivision will create a better farming outcome. If approved, the subdivision would be difficult to reverse in the future. There is potential for future consolidation of the land with adjoining land to create larger farming lot sizes, but this is not part of the application submitted to Council and cannot be considered in the assessment of the application. The proposal ultimately represents a major shift from the existing horticultural use on the site to a horticultural lot and a residential lot that has no direct relationship with a farming use.

The applicant has suggested the inclusion of a Section 173 Agreement on the balance lot to prevent the construction of a dwelling on this allotment. This is considered appropriate should a permit be granted. The agreement would also include no further subdivision by any means with the exception of consolidation.

There are many VCAT decisions within the Swan Hill Rural City Council municipality for similar Farming Zone subdivision applications that do not support this type of subdivision. Many of the decisions are recent and the recommendation contained within this report is consistent with the relevant VCAT decisions. The VCAT decisions are discussed in more detail in the next section of this report.

Accordingly the recommendation is to refuse to issue a permit in this instance subject to the reasons outlined at the end of this report.

### Swan Hill Rural City Council VCAT Decisions

The assessment of this planning application is consistent with recent VCAT decisions within the Swan Hill municipality and are detailed below. **The VCAT decisions reinforce the recommendations from Council's Planning Department are consistent with the Swan Hill Planning Scheme and relevant VCAT decisions.**

**1. Davoli v Swan Hill RCC [2023] VCAT P819/2023 (27 October 2023)**

124 Lae Road, Robinvale (almost identical to current application)

Permit applicant: Roy Costa Planning & Development

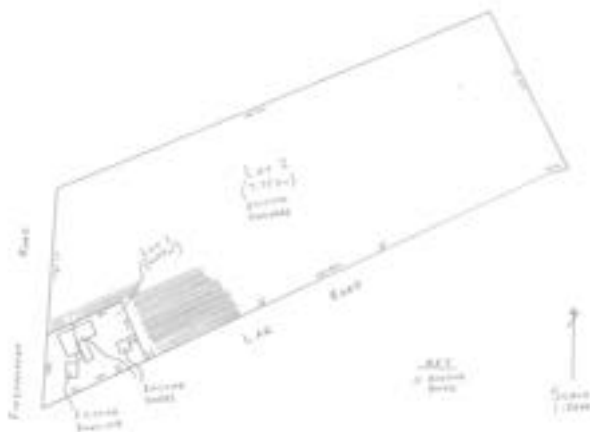
**COUNCIL DECISION UPHELD AND REFUSED BY VCAT**

The Order of this VCAT decision was given orally by VCAT Senior Member Bill Sibonis on 27 October 2023.

This decision of Council to refuse the application was upheld by VCAT and the Order dated 27 October 2023 stated:

- a. *'In application P819/2023 the decision of the responsible authority is affirmed*
- b. *In planning permit application PLN2023048 no permit is granted.'*

This application was almost identical to the current application. The proposal was for a 2 lot subdivision (dwelling excision) in the Farming Zone. The subdivision proposed a dwelling lot (proposed Lot 1) of 0.6699 hectares and a balance lot of 9.75 hectares.



This land is only 7.1km (by road) from the land subject to the current application.



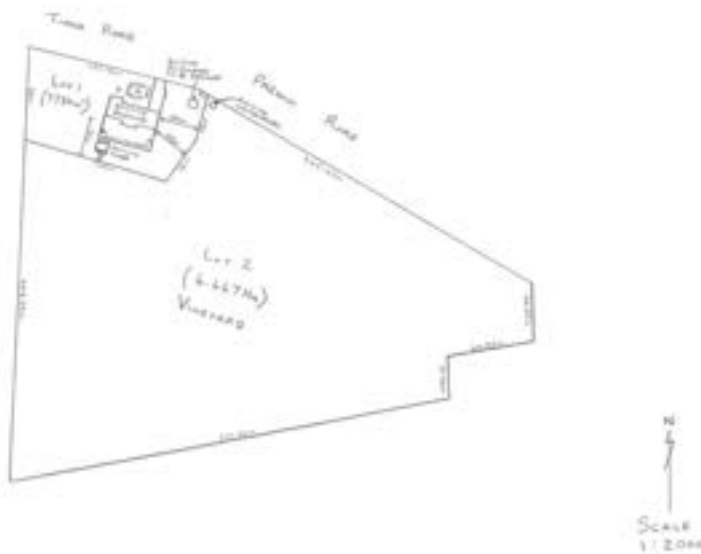


2. **Zappia v Swan Hill RC [2008] VCAT 1446 (16 July 2008)**  
3 Timor Road, Robinvale  
**Permit applicant: Roy Costa Planning & Development**  
**COUNCIL DECISION UPHELD AND REFUSED BY VCAT**

This decision of Council to refuse the application was upheld by VCAT Senior Member Margaret Baird and the Order dated 16 July 2008 stated:

- a. *'The decision of the Responsible Authority in permit application no. 07/169 is affirmed. A permit is not granted and no permit is to be issued.'*

This application was almost identical to the current application. The proposal was for a 2 lot subdivision (dwelling excision) in the Farming Zone. The subdivision proposed a dwelling lot (proposed Lot 1) of 0.7784 hectares and a balance lot of 6.667 hectares. This decision was made by VCAT in 2008.



This land is only 8.8km (by road) from the land subject to the current application.



**3. Burns v Swan Hill RCC [2023] VCAT 1184 (25 October 2023)**

5 Little Murray Weir, Castle Donnington

**Permit applicant: Roy Costa Planning & Development**

**COUNCIL DECISION UPHELD AND REFUSED BY VCAT**

This decision of Council to refuse the application was upheld by VCAT Member Christopher Harty and the Order dated 25 October 2023 stated:

- a. 'In application P914/2023 the decision of the responsible authority is affirmed
- b. Planning permit 2021-146-2 must not be amended.'

Council originally approved a 2 lot subdivision and development of dwellings on each lot and alteration of access to a Transport Zone 2 road (Department of Transport). This was issued under delegation.

The original approved subdivision is shown below. The subdivision met the requirement of the 20 hectare minimum lot size in the Farming Zone for subdivision in an irrigated area. As the land is also in the Land Subject to Inundation Overlay (LSIO), the application was also approved for a dwelling on each lot as a permit is required only for 'development' in the LSIO. The use of a dwelling does not require a permit on a lot in the Farming Zone on a lot 20 hectares or greater.



The applicant then applied to Council to amend the application on 05 May 2023 to amend Condition 4 that reads:

4. *Prior to certification of the Plan of Subdivision, the owner/s of the lot/s must enter into an agreement with the Responsible Authority and (name of other authority or person if relevant) in accordance with Section 173 of the Planning and Environment Act 1987. The agreement must provide for:*
  - a. *The lots created by the subdivision approved by Planning Permit No. 2021-146 cannot be further subdivided, by any means, to create lots below the minimum lot size of the applicable zone at the time.*

*Prior to a Statement of Compliance being issued:*

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

VCAT made comment in the Order the intention of deleting condition 4 would allow an application to be made for re-subdivision and boundary realignment that could reduce one of the lots to an area less than the minimum lot size under the Farming Zone. This is a scenario Council seeks to avoid and prevent inconsistency with the strategy under Clause 14.01-1S of avoiding subdivision of productive agricultural land from diminishing the long-term productive capacity of the land.

VCAT found:

38. *I find the condition reasonable and regard it as a safeguard to limit lots that will contain a dwelling from being created below the minimum lot size under the FZ as it relates to irrigated areas and the minimum 20 hectares lot size for these areas.*
39. *I am of the view that, despite Condition 4(a) acting to limit the discretion available under the FZ with respect to dwelling excisions and boundary re-alignments, it supports policy and the purposes of the FZ under the planning scheme, as it relates to irrigation areas and this locality.*
40. *I accept that the limitation of the condition on the ability to undertake future land swaps, whether to facilitate changes to farming or for the flexibility of agricultural production, is a decision that flows from the changes made to the planning scheme. It is a tangible aspiration for protecting productive agricultural land.*
41. *In addition, I note that the land has been the subject to a past house lot excision and note a strategy under Clause 14.01-1L that discourages further subdivision (by any method) of land where a dwelling has already been excised from the land. This further reinforces my view that Condition 4(a) should not be amended as sought by the applicants.*

For the reasons above, Council's decision to refuse the application to amend the permit to delete Condition 4 was upheld by VCAT and no amendment was granted.

**Recommendation**

That Planning Permit Application Number **PLN2023057** be determined pursuant to Section 65 of the *Planning and Environment Act 1987* by issuing Notice of Decision to Refuse a planning permit for **2-Lot Subdivision (Excision of 2 Dwellings) in the Farming Zone on 110 Madang Road, Robinvale 3549** subject to the following grounds:

1. The proposal is contrary to Clause 02.03-4 (Natural Resource Management) of the Municipal Planning Strategy in relation to the protection of agricultural land and discouraging small lot subdivision in rural areas that undermines the productive agricultural base of the Swan Hill Rural City Council.
2. The proposal is contrary to Clause 14.01 (Agriculture) of the Planning Policy Framework for the following reasons:
  - a) It will result in inappropriate fragmentation of rural land
  - b) Does not consolidate existing isolated small lots in rural zones.
  - c) Small lot subdivision is discouraged for personal and financial circumstances, and for rural lifestyle purposes.
  - d) Small lot subdivision is discouraged unless the balance lot is at least the minimum lot size specified in the zone (20ha), which the proposal does not meet.
3. The proposal is contrary to the purpose and decision guidelines of the Farming Zone in relation to the protection and retention of productive agricultural land.
4. The proposal will set a precedent for similar Farming Zone land within the municipality that would contradict the purpose and decision guidelines of the Farming Zone and threaten the productive agricultural base of the Swan Hill Rural City Council.
5. The applicant has not provided adequate evidence of the existing dwellings having existing use rights in accordance with Clause 63 of the Swan Hill Planning Scheme.

Report prepared by:



Warrick Fisher  
Planning Team Leader

**Date:** 13 November 2023

Peer Reviewed by:



Kate Jewell  
Development Manager

**Date:** 14 November 2023



## PROPOSED PLANNING CONDITIONS

**Application No:** PLN2023057  
**Address:** 110 Madang Road Robinvale VIC 3549  
**Proposal Description:** 2-Lot Subdivision (Excision of 2 Dwellings) in the Farming Zone

### Plans

1. The layout of the subdivision must not be altered from the layout on the approved and endorsed plans without the written consent of the Responsible Authority.

### Services

2. 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 (where it is proposed to be connected) services to each lot shown on the endorsed plan in accordance with the authority's requirements and relevant legislation at the time.

### Easements

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

### Certification of Plan

4. The plan of subdivision submitted for Certification under the Subdivision Act 1988 must be referred to the relevant authority in accordance with Section 8 of that Act.

### Statement of Compliance

5. Before the Statement of Compliance is issued under the Subdivision Act 1988, all planning conditions and all other requirements of the Responsible Authority and the relevant referral authorities must be completed or satisfactorily provided for, to the satisfaction of the Responsible Authority and the relevant referral authorities.

### Rural Stormwater

6. Before the Statement of Compliance is issued under the Subdivision Act 1988, the permit holder must ensure that stormwater runoff from both lots approved by this subdivision can be retained within the boundaries of each lot to the satisfaction of the Responsible Authority.

### Section 173 Agreement

7. Before the Statement of Compliance is issued under the Subdivision Act 1988, the owner must enter into an agreement with the Responsible Authority under section 173 of the Planning and Environment Act 1987. The agreement must provide for the following:
  - a) No further subdivision by any means with the exception of consolidation.



- b) No dwelling is permitted on proposed Lot 2.
- c) The owner of Lot 1 acknowledges and accepts the possibility of nuisance from agricultural activities on adjacent and near land due to dust, noise, odour, use of chemicals and farm machinery, traffic and hours of operation.

The owner of the land must pay all of the Responsible Authority's reasonable legal costs and expenses of this agreement, including preparation, execution and registration on title.

**Lower Murray Water Conditions**

- 8. The plan of subdivision submitted for certification under the Subdivision Act 1988 must be referred to Lower Murray Water pursuant to Section 8 of that Act.
- 9. The requirements of Lower Murray Water must be met, regarding the provision of water supply and drainage services to the land, including payment of all associated costs prior to the Corporation agreeing to the issue of a Statement of Compliance.
- 10. The holder of this permit or authorised agent must meet Lower Murray Water's requirements regarding easements in favour of the Lower Murray Urban and Rural Water Corporation prior to the submission of any plan of subdivision for Certification.
- 11. The applicant or owner must lodge a Rural Subdivision Application and complete any requirements necessary to amend the Victorian Water Register and conditions listed by Lower Murray Water related to irrigation and drainage pursuant to Section 11 of the Water Act 1989.

**Permit Expiry**

- 12. This permit as it relates to development (subdivision) will expire if one of the following circumstances applies:
  - a) The plan of subdivision has not been certified under the Subdivision Act 1988 within 2 years of the issued date of this permit.
  - b) A statement of compliance is not issued within 5 years of the date of certification.

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.

**PERMIT NOTES:**

**Lower Murray Water notes:**

- a. The land is located outside the Corporation's Urban Water District and is not available.





- b. The land is located outside the Corporation's Sewerage District and is not available.

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## 2.7 Planning Application - 217 Robinvale-Sea Lake Rd Robinvale – Re-subdivision of Land (House Excision) in the Farming Zone

**Directorate:** Development and Planning  
**File Number:** **PLN2023054**  
**Purpose:** For Decision

### EXECUTIVE SUMMARY

<b>Application Number:</b>	PLN2023054
<b>Proposal:</b>	2-Lot Subdivision (Dwelling Excision) in the Farming Zone
<b>Applicant's Name:</b>	BW & A National Building Consultants
<b>Address:</b>	217 Robinvale – Sea Lake Road, Robinvale VIC 3549
<b>Land Size:</b>	20.96 ha
<b>Zoning:</b>	Farming Zone
<b>Overlays:</b>	Environmental Significance Overlay - Schedule 2 (ESO2)
<b>Referral Authorities:</b>	N/A
<b>Why is a Permit Required?</b>	Subdivision of land
<b>Lodgement date:</b>	03/07/2023
<b>Relevant SHRCC VCAT Decisions</b>	Refer officers report

### Declarations of Interest:

Council Officers affirm that no general or material conflicts need to be declared in relation to the matter of this report.

### Recommendation/s

#### That Council:

**Refuse to grant a planning permit for the re-subdivision of land (house excision) in the Farming Zone at 217 Robinvale-Sea Lake Road Robinvale for the following reasons:**

1. The proposal is contrary to Clause 02.03-4 (Natural Resource Management) of the Municipal Planning Strategy (MPS) in relation to the protection of agricultural land and discouraging small lot subdivision in rural areas that undermines the productive agricultural base of the Swan Hill Rural City Council.
2. The proposal is contrary to Clause 14.01 (Agriculture) of the Planning Policy Framework for the following reasons:
  - a. The land has been part of a previous re-subdivision that excised an existing dwelling (2019/17).
  - b. It will result in inappropriate fragmentation of rural land.
  - c. Does not consolidate existing isolated small lots in rural zones.
  - d. Small lot subdivisions are discouraged for personal and financial circumstances, and for rural lifestyle purposes.
3. The excision of the dwelling is not via the re-subdivision of existing lots so that the number of lots is not increased. The proposal is contrary to the purpose and decision guidelines of the Farming Zone in relation to the protection and retention of productive agricultural land.
4. The proposal will set a precedent for similar Farming Zone land within the municipality that would contradict the purpose and decision guidelines of the Farming Zone and threaten the productive agricultural base of the Swan Hill Rural City Council.
5. The applicant has not provided adequate evidence that the existing dwelling has existing use rights in accordance with Clause 63 of the Swan Hill Planning Scheme.

A comprehensive assessment of the proposal against the relevant provisions of the Swan Hill Planning Scheme is contained in the attached officer report.

**Key Points / Issues:**

- The application proposes a 2-Lot Subdivision (Dwelling Excision) in the Farming Zone of an existing lot of 20.96 hectares.



Figure 1 – Aerial image of subject land

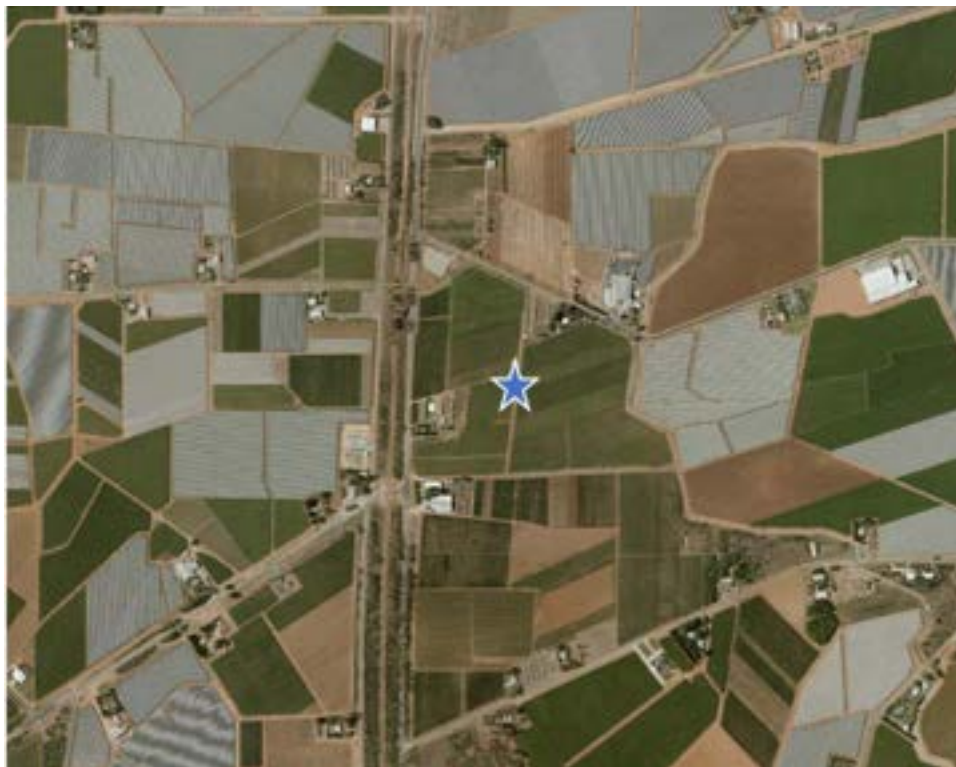


Figure 2 – Aerial image of surrounding area

- The subdivision proposes the creation of an allotment for the existing dwelling. The subdivision is detailed as:

- i. Proposed Lot 1: 0.9902 hectares and proposed to accommodate the existing dwelling and associated outbuildings.
- ii. Proposed Lot 2: 20.01 hectares being the balance lot and contains the existing vineyard.



Figure 3 – Proposed subdivision

- This application is for a 2-lot subdivision (dwelling excision) in the Farming Zone and is strongly discouraged by planning policy in the Swan Hill Planning Scheme.
- The application may be made in accordance with Clause 35.07-3 of the Farming Zone as it provides the ability to submit a planning application for a subdivision to create a lot for an existing dwelling and the subdivision must be a 2-lot subdivision. This does not mean that because a permit can be submitted for an application, a permit will be granted. The application must be assessed against the relevant planning policy, MPS, purpose and decision guidelines of the zone, and other relevant sections of the Swan Hill Planning Scheme.
- Any application submitted to Council for assessment must also contain adequate information to enable a decision to be made. It is considered the application as submitted did not contain adequate information to justify the proposal.
- The landowner also owns the horticultural allotment abutting the southern boundary that is also just over 20 hectares in size, but there was no proposal to consolidate this land with the balance lot of the proposed subdivision.
- This application represents the fifth dwelling excision/small lot subdivision from the subject parcels since 1988.

- Dwelling excisions on rural allotments of this nature can have detrimental effects on the future operation of farming land if the subdivision does not have a direct relationship with the farming activity on the land.
- There is no guarantee the current owner will not sell the excised dwelling lot to someone else in the future that wishes to use the dwelling as a rural lifestyle lot, which will potentially create land use conflicts with the existing farming use of the land.
- It is unfortunate there have been many dwelling excisions allowed in the Farming Zone across the municipality creating residential allotments in the Farming Zone. This can cause 'right to farm' issues, unnecessary land use conflicts and loss of agricultural land. Allowing excisions of dwellings on farming lots creates residential areas within the Farming Zone that slowly over time creates a greater loss of agricultural land. The poor planning outcomes of previous decisions should not be a consideration of whether to approve the current application.
- The application was presented to a Council Assembly meeting which gave the applicant an opportunity to address Councillors on the application. The applicant simply stated the proposed complies with the Swan Hill Planning Scheme but did not provide any additional information that would enable an alternate determination to approve the application.
- The excised dwelling lot is also too small for any sustainable and productive farming use. This removes the land from any future agricultural production.
- The proposal represents a major shift from the existing horticultural use on the site to a horticultural lot and a residential lot that has no direct relationship with a farming use.
- The applicant has also stated there is no requirement for a Section 173 Agreement to be placed on the farming lot restricting further dwellings as it meets the minimum lot size for a dwelling in accordance with the Schedule to the Farming Zone for irrigated land. This would open the door for the owner to construct another dwelling on the balance lot in the future without a permit and apply for that dwelling to be excised.
- There are many VCAT decisions within the Swan Hill Rural City Council municipality for similar Farming Zone subdivision applications that do not support this type of subdivision. The VCAT decisions are discussed in more detail in the attached Planning Department delegation report.

### **Policy Impacts:**

The proposed subdivision is contrary to the following critical Municipal Planning Strategy (MPS) and Planning Policy Framework (PPF) of the Swan Hill Planning Scheme:

### **Municipal Planning Strategy (MPS):**

The proposal is contrary to the following:

- Clause 02-03-4 Natural resource management



This Clause seeks to protect the protection of agricultural land and discourages small lot subdivision in rural areas that undermines the productive agricultural base of the Swan Hill Rural City Council.

### **Planning Policy Framework (PPF):**

The proposal is contrary to the following:

- Clause 14.01-1S – Protection of agricultural land
- Clause 14.01-1L – Agriculture

The proposal is contrary to Clause 14.01 (Agriculture) of the PPF for the following reasons:

1. It will result in inappropriate fragmentation of rural land.
2. Does not consolidate existing isolated small lots in rural zones.
3. Small lot subdivision is discouraged for personal and financial circumstances, and for rural lifestyle purposes.
4. The excision of the dwelling is not via the re-subdivision of existing lots so that the number of lots is not increased.

The attached officer report provides further specific details on how the proposal is contrary to the MPS and PPF.

### **Consultation:**

#### Advertising

The application was not advertised.

#### Referrals:

The application was not referred.

**Financial Implications:** N/A

**Social Implications:** N/A

**Economic Implications:** N/A

**Environmental Implications:** N/A

**Risk Management Implications:** N/A

### **Conclusion:**

This application is contrary to the MPS, PPF and the Farming Zone as outlined in this report and the attached officer report from the Planning Department.

The proposal is another rural subdivision inadequately justified in accordance with the Swan Hill Planning Scheme and does not provide an agricultural benefit.

As mentioned in this report, it is unfortunate there have been many dwelling excisions allowed in the Farming Zone across the municipality creating residential allotments in the Farming Zone. VCAT decisions within the municipality have determined this type of rural subdivision is inappropriate.

Should this application be approved by Council, it will continue to set a precedent that Council considers this type of rural subdivision is appropriate, contrary to the Swan Hill Planning Scheme and VCAT decisions for similar applications.

**Options:**

1. Council issues a Notice of Decision to Refuse to Grant a Planning Permit
2. Council issues a Planning Permit subject to the conditions outlined in the attachment.

- Attachments:**
1. Existing and Proposed Plan [2.7.1 - 2 pages]
  2. Applicant Submission [2.7.2 - 13 pages]
  3. Proposed Planning Conditions [2.7.3 - 2 pages]
  4. Officers Report [2.7.4 - 22 pages]

**CM 2023/88 Motion****MOVED Cr Jeffery****That Council:**

**Refuse to grant a planning permit for the re-subdivision of land (house excision) in the Farming Zone at 217 Robinvale-Sea Lake Road Robinvale for the following reasons:**

1. **The proposal is contrary to Clause 02.03-4 (Natural Resource Management) of the Municipal Planning Strategy (MPS) in relation to the protection of agricultural land and discouraging small lot subdivision in rural areas that undermines the productive agricultural base of the Swan Hill Rural City Council.**
2. **The proposal is contrary to Clause 14.01 (Agriculture) of the Planning Policy Framework for the following reasons:**
  - a. **The land has been part of a previous re-subdivision that excised an existing dwelling (2019/17).**
  - b. **It will result in inappropriate fragmentation of rural land.**
  - c. **Does not consolidate existing isolated small lots in rural zones.**
  - d. **Small lot subdivisions are discouraged for personal and financial circumstances, and for rural lifestyle purposes.**
3. **The excision of the dwelling is not via the re-subdivision of existing lots so that the number of lots is not increased. The proposal is contrary to**

- the purpose and decision guidelines of the Farming Zone in relation to the protection and retention of productive agricultural land.
4. The proposal will set a precedent for similar Farming Zone land within the municipality that would contradict the purpose and decision guidelines of the Farming Zone and threaten the productive agricultural base of the Swan Hill Rural City Council.
  5. The applicant has not provided adequate evidence that the existing dwelling has existing use rights in accordance with Clause 63 of the Swan Hill Planning Scheme.

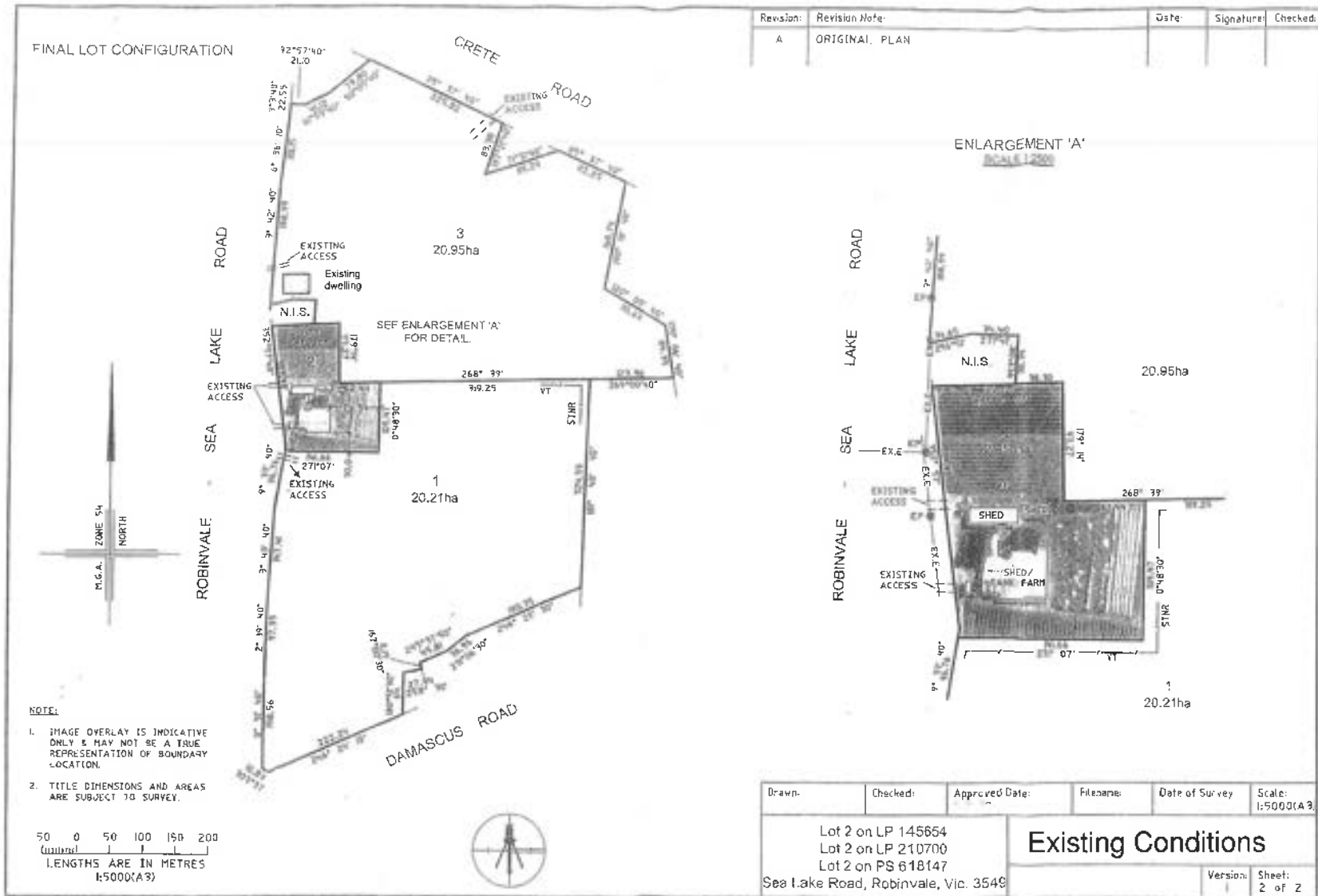
**SECONDED Cr Moar**

**The Motion was put and CARRIED 4 / 2**

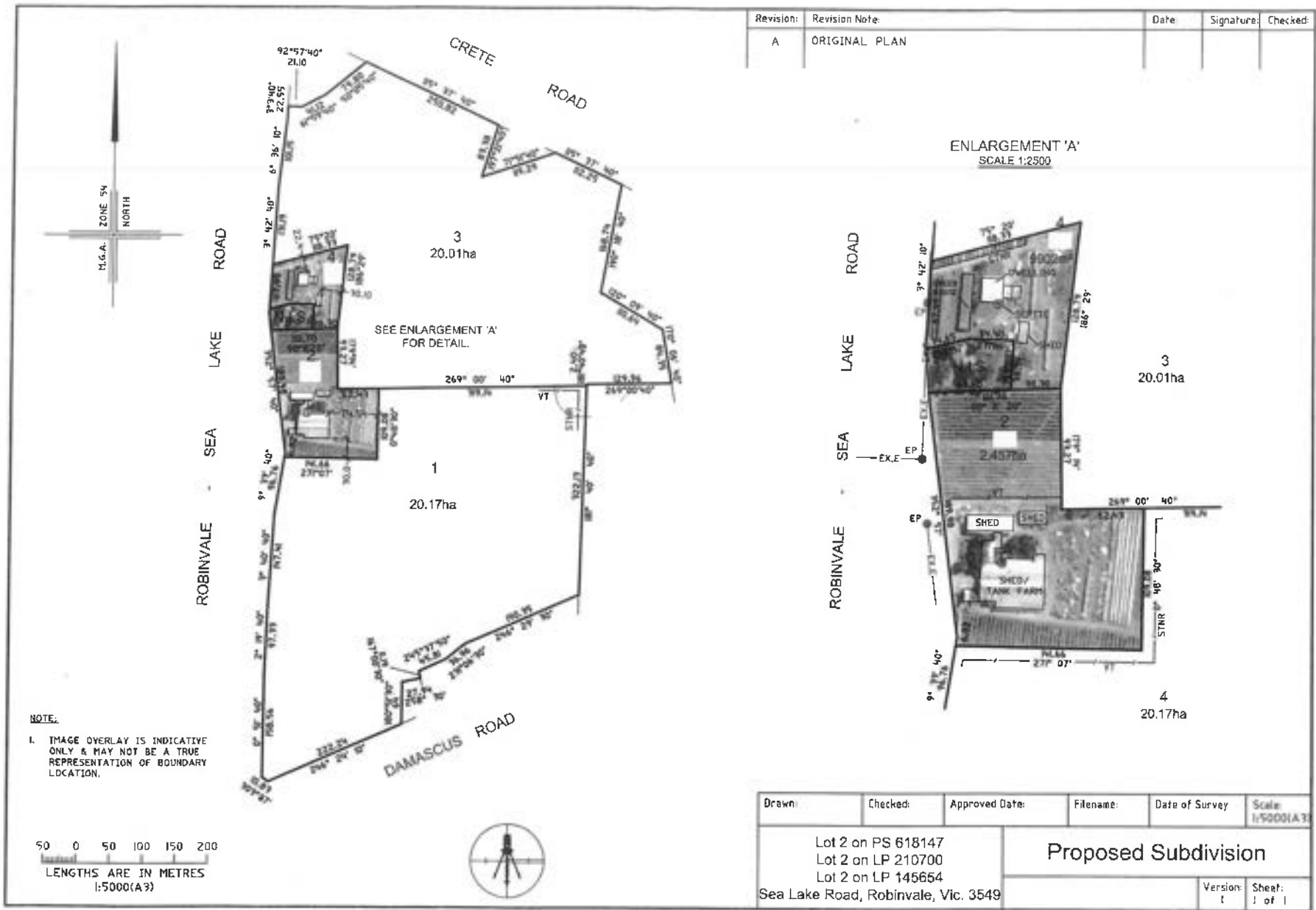
Cr McKay called for a division

**For:** Cr King, Cr McPhee, Cr Jeffery and Cr Moar

**Against:** Cr Kelly, Cr McKay and Cr Young



Drawn:	Checked:	Approved Date:	Filename:	Date of Survey:	Scale:
Lot 2 on LP 145654 Lot 2 on LP 210700 Lot 2 on PS 618147 Sea Lake Road, Robinvale, Vic. 3549			<b>Existing Conditions</b>		1:5000(A3)
				Version:	Sheet:
				1	2 of 2





bvanational.com.au  
p. 1300 363 407  
e. admin@bvanational.com.au  
Melbourne - Mildura - Swan Hill - Yarra Ranges

Reference: TP20230034

## Planning Permit Application

Proposed Two Lot subdivision (dwelling excision)

Robinvale Sea – Lake Road, Robinvale, Vic 3549

Lot 3, PS840769



June 2023

BRENT WILLIAMS & ASSOCIATES PTY LTD  
ABN: 14 064 582 770



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4. Planning consideration and summary.....13

## Proposal

This application seeks a planning permit for the subdivision of the land into two lots (dwelling excision). Smaller lot will have an area of 9902m<sup>2</sup> and will contain the existing dwelling with associated infrastructure. Larger lot will have an area of 20.01 hectares and will contain the agricultural land with associated agricultural infrastructure. No native vegetation removal is required for the proposed subdivision.

## Subject Site

The site is located on the east side of Robinvale-Sea Lake Road, at its intersection with Crete Road and legally described as Lot 3, PS840769. The site is irregular in shape having a total area of 20.95 hectares. The site is currently used for horticultural farming. A dwelling and a number of buildings associated with the use are located adjacent to the Robinvale-Sea Lake Road frontage. The site is relatively flat and clear in terms of vegetation. Buildings are grouped together in one section and the remainder of the site is used for horticulture.

The broader surrounding area is predominantly used for horticulture with many smaller, excised lots comprising dwellings. Site is encumbered by a drainage and water supply easement.

## Relevant Clauses

### 2.01 Context

Swan Hill Rural City Council has an area of over 6,000 square kilometres and is located in the north-west of Victoria.

The population of the Rural City is about 20,800 (Victoria in Future, 2019) and is forecast to grow to about 22,300 by 2031, with most growth expected in Swan Hill and Robinvale. Population growth in other townships in the Rural City has been limited, except for Lake Boga. The population is ageing, and there has been significant population loss from rural areas and small centres. Population statistics show a median age of 38 years. Almost 8,000 residents are employed and nearly 45 per cent of these individuals work in agricultural, health care or the retail industry.

Agriculture and manufacturing drive the economy with a gross regional product of \$1.18 billion. Agriculture accounts for almost 16 per cent of the region's total economic output, with more than 40 products grown commercially in the municipality. Irrigated farming accounts for over 11 per cent of economic output, while traditional livestock and broadacre farming accounts for almost four per cent. More than 18 per cent of jobs are directly related to agriculture. The tourism and retail sectors are also strong. About 656,000 people visit the municipality each year, injecting about \$95 million into the local economy.

The municipality is part of a unique area of north-west Victoria, consisting of riverine floodplains and Mallee dunefields. The Rural City has a number of sites of threatened fauna, flora and grassland communities. Only limited vegetated land has been retained as protected public land. Much of the remaining vegetation exists on roadsides and as freehold remnants.

## 02.03-4 Natural Resource Management

The Rural Land Use Strategy (RMCG, 2016) (the 'RLUS') responded to current and emerging rural land use issues and opportunities in the municipality. The RLUS identified that the Farming Zone will:

- Promote and encourage commercial scale broadacre agriculture such as livestock grazing and cropping, large-scale irrigated development and 'Farmland of Regional Strategic Significance'.
- Protect the opportunity for future horticultural development on 'Farmland of Strategic Significance'.
- Promote and encourage commercial scale horticulture and other irrigated agriculture.
- Protect agricultural activity from conflicting land uses.

Further subdivision of land in the Farming Zone in dryland areas will rarely be required given the large supply of lots and the trend in increasing scale of landholdings. Other farming land is close to the Murray River and has been significantly fragmented. There is a legacy of small rural lots in irrigated and high amenity areas close to the Murray River, and urban centres have become popular for rural residential use. Further fragmentation through land subdivision could have considerable implications for agricultural production.

Dwellings and small lot subdivision in the rural areas that are not associated with agricultural activities could potentially undermine the viability of the rural sector. This could occur through land use conflict, loss of productive agricultural land, use of infrastructure and water that could otherwise be used for agricultural production, and inflated land values that exceed agricultural value. Housing for lifestyle purposes in rural areas also has the potential to create demand for community and physical infrastructure that may be more appropriately located in dedicated rural living areas.

In order to manage the natural resources in the Rural City, Council will:

- Protect horticultural and dryland agriculture because it is fundamental for economic growth.
- Discourage small lot subdivision in rural areas that undermines the productive agricultural base of the Rural City.
- Discourage dwellings in rural areas that are not related to agriculture.
- Discourage land uses in the Farming Zone that are not directly related to agriculture, or that have an adverse impact on agricultural opportunities.
- Support rural industry so long as it is associated with a rural activity.
- Direct rural industries to locations where the impact on agricultural land and off-site effects are minimised, and where good road access is available.
- Encourage the proper siting and design of intensive animal production to protect residential amenity and environmental quality.

## 11.01-1S Settlement

### Objective

To promote the sustainable growth and development of Victoria and deliver choice and opportunity for all Victorians through a network of settlements.

## 14.01-1S Protection of Agricultural Land

### Objective

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

## 14.01-1L Agriculture

### Objective

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

To discourage small lot subdivision that prejudices surrounding agricultural activities.

### Strategies

- Discourage 'small lot' subdivision unless the balance lot is at least the minimum lot size specified in the zone.
- Discourage small lot subdivision to meet personal and financial circumstances.
- Prevent small lot subdivision to create lots for 'rural lifestyle' purposes.
- Encourage any excised lot to be of a manageable size that maintains sufficient land on the balance lot to support agricultural activity.
- Require the excision of a dwelling to be via the re-subdivision of existing lots so that the number of lots is not increased.
- Discourage the creation of long, narrow lots, 'axe handle' lots or island-style lots.
- Discourage subdivisions that will impact on significant farm infrastructure.
- Discourage further subdivision (by any method) of land where a dwelling has already been excised from the land.
- Discourage the excision of a dwelling if it is required for the carrying out of agricultural activities on the land.
- Ensure the excision dwelling is habitable and has existing use rights under Clause 63.
- Encourage a beneficial agricultural outcome for the land.
- Consolidate land in the same ownership if consolidation would facilitate the productive use of land.

## 35.07 Farming zone

### Purpose

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

A permit is required for the subdivision.

## 42.01 Environmental Significance Overlay (Schedule 2)

### Purpose

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To identify areas where the development of land may be affected by environmental constraints.
- To ensure that development is compatible with identified environmental values.

## Schedule 2 to Areas of Poor Drainage or Potentially Subject to Inundation

### Environmental Objectives

- To identify land in urban and non-urban areas that is potentially liable to inundation by overland flow or sheet flooding due to the soil structure and the likelihood of poor drainage.
- To ensure that any development maintains the free passage and temporary storage of floodwaters, minimises flood damage, is compatible with the flood hazard and local drainage conditions and will not cause any significant rise in flood level or flow velocity.
- To protect water quality in accordance with the provisions of relevant State Environment Protection Policies, and particularly in accordance with Clauses 33 and 35 of the State Environment Protection Policy (Waters of Victoria).

A permit is required to subdivide the land.

### Planning Consideration and Summary

In considering the planning implications of the subdivision it has been assessed against the suitability of the site, the proposal compliance with Planning Policies, including Zoning and Overlay Controls, and the General and Particular Provisions contained within the Swan Hill Planning Scheme.

The proposal will result in the creation of a smaller lot 9902m<sup>2</sup> containing dwelling and associated outbuildings, and will allow for the expansion of the existing farm business on the balance of the land with an area of 20.01 hectares.

The proposal will enable the owner to 'restructure' the farm and will allow the existing agricultural use to continue that is consistent with the objectives of Clause 14.01. The proposal will not result in 'fragmentation' of agricultural land, instead, the proposal reduces the financial burden of maintaining the existing dwelling, sheds, etc. and will enable the infrastructure improvements on the agricultural land to enhance agricultural productivity.

Clause 14.01-1L Strategies	Assessment
Discourage 'small lot' subdivision unless the balance lot is at least the minimum lot size specified in the zone.	Complies. The balanced lot will have an area of 20.01 hectares.
Discourage small lot subdivision to meet personal and financial circumstances.	Complies. The dwelling is no longer required for agricultural purposes.

Prevent small lot subdivision to create lots for 'rural lifestyle' purposes.	Complies. The subdivision in form of dwelling excision is allowed under the zone subject to a permit.
Encourage any excised lot to be of a manageable size that maintains sufficient land on the balance lot to support agricultural activity.	Complies. The excised lot will have an area of 9902m <sup>2</sup> , which can be easily managed. The larger lot will continue to support the existing agricultural use.  The proposed subdivision will support the agriculture as it will result in removal of the dwelling from the farm which is no longer required for agriculture. The lot comprising dwelling is currently not used for agriculture as it contains dwelling, outbuildings and driveway. The outcome in relation to agricultural production will therefore remain the same. The proposal will rather enhance the agriculture by removing the dwelling which is no longer required for agricultural purposes.
Require the excision of a dwelling to be via the re-subdivision of existing lots so that the number of lots is not increased.	Does not comply as the proposal involves a single lot. As discussed above such subdivision is permitted under the zone subject to permit to assist in reducing the burden of managing the non-agricultural uses.
Discourage the creation of long, narrow lots, 'axe handle' lots or island-style lots.	Complies. Regular shaped lots will be created.
Discourage subdivisions that will impact on significant farm infrastructure.	Complies. The proposal will not impact on any farm infrastructure.
Discourage further subdivision (by any method) of land where a dwelling has already been excised from the land.	Complies. The area of the larger lot will be 20.01 hectares and it will not be able to be further subdivided.
Discourage the excision of a dwelling if it is required for the carrying out of agricultural activities on the land.	Complies. The dwelling is not required for the carrying out of agricultural activities.
Ensure the excision dwelling is habitable and has existing use rights under Clause 63.	Complies. The existing dwelling is habitable.
Encourage a beneficial agricultural outcome for the land.	Complies. The overall outcome will benefit the agriculture.



Consolidate land in the same ownership if consolidation would facilitate the productive use of land.	Not applicable.
<b>Policy Guidelines</b>	<b>Assessment</b>
Discouraging applications that propose an area greater than 2 hectares for a dwelling lot.	Complies. The area of the dwelling lot will be less than 2 hectares.
Whether there is a need for an agreement under Section 173 of the Act that: <ul style="list-style-type: none"> <li>Prevents the subdivision of any new house erected after 30 September 2016.</li> <li>Prevents the construction of a dwelling on any residual lot created.</li> <li>Prevents further subdivision of any lot so as to create another lot for an existing or future dwelling.</li> </ul>	The area of the larger lot will be greater than the minimum lot size requirement for as of right dwelling and therefore Section 173 Agreement prohibiting further dwelling will not be required.

Overall, proposal is necessary to facilitate and enhance the ongoing primary use of the land for productive and sustainable agriculture. It will consolidate majority of productive agricultural land into productive agricultural use.

<b>Farming Zone Decision Guidelines</b>	
<b>General Issues</b>	
The Municipal Planning Strategy and the Planning Policy Framework.	The proposal is consistent with policy that is compatible with economic, social and environmental objectives.
Any Regional Catchment Strategy and associated plan applying to the land.	Not applicable.
The capability of the land to accommodate the proposed use or development, including the disposal of effluent.	The land has the capability to accommodate the proposed subdivision. The dwelling on smaller lot will have its effluent disposal within the boundaries of the lot.
How the use or development relates to sustainable land management.	As discussed above under the policy, the agricultural use of the land will continue to occur.

Whether the site is suitable for the use or development and whether the proposal is compatible with adjoining and nearby land uses.	The site is suitable for the proposed subdivision. The main aim for the subdivision is to support the agriculture in the long run for larger lot which is consistent with the adjoining and nearby land uses.
How the use and development makes use of existing infrastructure and services.	Smaller lot will have the dwelling with associated outbuildings and effluent disposal. Larger lot will be used for agricultural pursuits.
The impact of buildings and works on significant views.	Not applicable.
<b>Agricultural issues and the impacts from non-agricultural uses</b>	
Whether the use or development will support and enhance agricultural production.	The proposal will enhance the agricultural use and separate the non-agricultural use from the productive farmland. The productive farming will continue to occur with the proposed lot layout, in particular, for the larger lot. It will continue to allow better maintenance of productive and sustainable agricultural use for larger lot.
Whether the use or development will adversely affect soil quality or permanently remove land from agricultural production.	Proposed smaller lot will contain the dwelling with associated driveway and outbuildings. This portion of land is not currently used for agriculture therefore the proposal will not remove the land permanently from agriculture.
The potential for the use or development to limit the operation and expansion of adjoining and nearby agricultural uses.	This has been discussed above. The proposal will not limit agricultural activities in the area as the agricultural use on land will continue to occur.
The capacity of the site to sustain the agricultural use.	Complies. Site is already used for agriculture.
The agricultural qualities of the land, such as soil quality, access to water and access to rural infrastructure.	Complies.
Any integrated land management plan prepared for the site.	Not applicable.

<b>Accommodation issues</b>	
Whether the dwelling will result in the loss or fragmentation of productive agricultural land.	Not applicable. No new dwelling has been proposed.
Whether the dwelling will be adversely affected by agricultural activities on adjacent and nearby land due to dust, noise, odour, use of chemicals and farm machinery, traffic and hours of operation.	The existing dwelling will not be affected by agricultural activities.
Whether the dwelling will adversely affect the operation and expansion of adjoining and nearby agricultural uses.	Not applicable as proposal is not for a new dwelling.
The potential for the proposal to lead to a concentration or proliferation of dwellings in the area and the impact of this on the use of the land for agriculture.	The proposal will not result in concentration or proliferation of dwellings in the area.
The potential for accommodation to be adversely affected by noise and shadow flicker impacts if it is located within one kilometre from the nearest title boundary of land subject to: – A permit for a wind energy facility; or – An application for a permit for a wind energy facility; or – An incorporated document approving a wind energy facility; or – A proposed wind energy facility for which an action has been taken under section 8(1), 8(2), 8(3) or 8(4) of the <i>Environment Effects Act 1978</i> .	Not applicable.
The potential for accommodation to be adversely affected by vehicular traffic, noise, blasting, dust and vibration from an existing or proposed extractive industry operation if it is located within 500 metres from the nearest title boundary of land on which a work authority has been applied for or granted under the <i>Mineral Resources (Sustainable Development) Act 1990</i> .	Not applicable.
<b>Environmental issues</b>	

The impact of the proposal on the natural physical features and resources of the area, in particular on soil and water quality	The proposal will not impact the soil and water quality as no additional buildings have been proposed. Proposal only seeks to subdivide the land.
The impact of the use or development on the flora and fauna on the site and its surrounds.	No native vegetation is required to be removed.
The need to protect and enhance the biodiversity of the area, including the retention of vegetation and faunal habitat and the need to revegetate land including riparian buffers along waterways, gullies, ridgelines, property boundaries and saline discharge and recharge area.	The subdivision will have no impact on the biodiversity of the area.
The location of on-site effluent disposal areas to minimise the impact of nutrient loads on waterways and native vegetation.	Dwelling lot will comprise the effluent system in association with the dwelling.
<b>Design and siting issues</b>	This section is not applicable as no buildings or works have been proposed.
The need to locate buildings in one area to avoid any adverse impacts on surrounding agricultural uses and to minimise the loss of productive agricultural land.	
The impact of the siting, design, height, bulk, colours and materials to be used, on the natural environment, major roads, vistas and water features and the measures to be undertaken to minimise any adverse impacts.	
The impact on the character and appearance of the area or features of architectural, historic or scientific significance or of natural scenic beauty or importance.	
The location and design of existing and proposed infrastructure including roads, gas, water, drainage, telecommunications and sewerage facilities.	
Whether the use and development will require traffic management measures.	
The need to locate and design buildings used for accommodation to avoid or reduce noise and shadow flicker impacts from the operation of a	

<p>wind energy facility if it is located within one kilometre from the nearest title boundary of land subject to:</p> <ul style="list-style-type: none"> <li>– A permit for a wind energy facility; or</li> <li>– An application for a permit for a wind energy facility; or</li> <li>– An incorporated document approving a wind energy facility; or</li> <li>– A proposed wind energy facility for which an action has been taken under section 8(1), 8(2), 8(3) or 8(4) of the <i>Environment Effects Act 1978</i>.</li> </ul>	
<p>The need to locate and design buildings used for accommodation to avoid or reduce the impact from vehicular traffic, noise, blasting, dust and vibration from an existing or proposed extractive industry operation if it is located within 500 metres from the nearest title boundary of land on which a work authority has been applied for or granted under the <i>Mineral Resources (Sustainable Development) Act 1990</i>.</p>	

<b>Environmental Significance Overlay (Schedule 2) Decision Guidelines</b>	
<p>The statement of environmental significance and the environmental objective contained in a schedule to this overlay.</p>	<p>Discussed below.</p>
<p>The need to remove, destroy or lop vegetation to create a defensible space to reduce the risk of bushfire to life and property.</p>	<p>Not applicable as no vegetation removal has been proposed.</p>
<p>The potential for flooding to occur and the effect that flooding may have on the development.</p>	<p>Not applicable as no buildings have been proposed. The proposal only involves subdivision and it will have no impact on the flooding.</p>
<p>The effect of the development on the capacity of the land to store and absorb stormwater and flood water.</p>	<p>Not applicable as no buildings have been proposed.</p>
<p>The possible effect of the development on the quality and quantity of stormwater and floodwater.</p>	<p>Not applicable as discussed above.</p>

The effect of any development on flood control and stormwater disposal measures and the flow of floodwater and stormwater.	Not applicable as discussed above.
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In a VCAT case *Midway Pty Ltd v Colac Otway SC* [2006] VCAT 15 (5 January 2006), Member Laurie Hewet made following comments in relation to the protection of agricultural land as a result of dwelling excision:

*“My conclusion that the proposal is satisfactory does not in my view conflict with the findings of the previous Tribunal decisions referred to me by Mr Nelson, in which applications for house lot excisions have been refused. In each case the imperative of protecting rural land for agricultural use which is established by the zone purposes and the policy framework, has been the principal consideration. In those earlier cases the Tribunal found that the subdivision before them would prejudice the continuing use of land for agricultural purposes and the grant of a permit could not therefore be justified. It is important that I emphasise that my findings in this case have not been founded on a view that house lot excisions do not have the potential to compromise the continued maintenance and efficient operation of farming land and sustainable agriculture. My findings have however been based on the view that this subdivision will not compromise the viability of agricultural activity on this or adjacent sites.”*

The proposal will not prejudice the continuing use of land for agricultural purposes as the above comments clearly states that subdivision assessment under Farming Zone is varied from case to case. In this case it is reasonable to ascertain that proposal will protect the agricultural land. It will not result in fragmentation of productive agricultural land as the dwelling lot does not contain any productive farming land. The local policy supports excision in farming zone to enhance the agricultural operations. The proposal however will result in protecting the entire agriculture land by only separating the dwelling which will no longer be used for agriculture.

In summary, the proposal will not prejudice the continuing use of land for agricultural purposes. It will not result in fragmentation of productive agricultural land as the dwelling lot does not contain any productive farming land. The proposal will also not result in increase in flooding.



**Brent. A Williams**  
**Managing Director**  
**C.P.P | M.P.I.A | M.A.I.B.S**





## PROPOSED PLANNING CONDITIONS

**Application No:** PLN2023054  
**Address:** 217 Robinvale - Sea Lake Road Robinvale VIC 3549  
**Proposal Description:** Re-Subdivision of Land (House Excision) in the Farming Zone

### Plans

1. The layout of the subdivision must not be altered from the layout on the approved and endorsed plans without the written consent of the Responsible Authority.

### Services

2. 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 (where it is proposed to be connected) services to each lot shown on the endorsed plan in accordance with the authority's requirements and relevant legislation at the time.

### Easements

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

### Certification of Plan

4. The plan of subdivision submitted for Certification under the Subdivision Act 1988 must be referred to the relevant authority in accordance with Section 8 of that Act.

### Statement of Compliance

5. Before the Statement of Compliance is issued under the Subdivision Act 1988, all planning conditions and all other requirements of the Responsible Authority and the relevant referral authorities must be completed or satisfactorily provided for, to the satisfaction of the Responsible Authority and the relevant referral authorities.

### Section 173 Agreement

6. Before the Statement of Compliance is issued under the Subdivision Act 1988, the owner must enter into an agreement with the Responsible



Authority under section 173 of the Planning and Environment Act 1987.  
The agreement must provide for the following:

- a) No further subdivision by any means with the exception of consolidation.
- b) No dwelling is permitted on proposed Lot 2 (balance lot shown as 'Lot 3' on the proposed plan).
- c) The owner of Lot 1 (dwelling lot shown as 'Lot 4' on the plan) acknowledges and accepts the possibility of nuisance from agricultural activities on adjacent and near land due to dust, noise, odour, use of chemicals and farm machinery, traffic, and hours of operation.

The owner of the land must pay all of the Responsible Authority's reasonable legal costs and expenses of this agreement, including preparation, execution, and registration on title.

#### **Rural Stormwater**

7. Before the Statement of Compliance is issued under the Subdivision Act 1988, the permit holder must ensure that stormwater runoff from both lots approved by this subdivision can be retained within the boundaries of each lot to the satisfaction of the Responsible Authority.

#### **Permit Expiry**

8. This permit as it relates to development (subdivision) will expire if one of the following circumstances applies:
  - a) The plan of subdivision has not been certified under the Subdivision Act 1988 within 2 years of the issued date of this permit.
  - b) A statement of compliance is not issued within 5 years of the date of certification.

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.



# Planning Assessment Report

## Delegate Report

### Application Details

<b>Application Number:</b>	PLN2023054	<b>Planner:</b>	Warrick Fisher
<b>Application Description:</b>	2-Lot Subdivision (Dwelling Excision) in the Farming Zone		
<b>Application Received:</b>	03 July 2023		
<b>Land / Address:</b>	217 Robinvale-Sea Lake Road, Robinvale 3549 Lot 3 on Plan of Subdivision 840769Y		
<b>MPS:</b>	Clause 02.03- 4		
<b>PPF:</b>	Clause 14.01		
<b>Zoning:</b>	Clause 35.07 Farming Zone (FZ)		
<b>Overlays:</b>	Clause 42.01 Environmental Significance Overlay – Schedule 2 'Areas of poor drainage or potentially subject to inundation'.		
<b>Land Use Terms:</b>	Subdivision		
<b>Under what clause(s) is a permit required?</b>	Clause 35.07-3 – Subdivision Clause 42.01-2 – Subdivide land		
<b>Restrictive covenants on title?</b>	Nil		
<b>Current Use &amp; Development:</b>	Single lot, dwelling and outbuildings, horticulture		
<b>Is a Cultural Heritage Management Plan Required?</b>	No		
<b>Relevant SHRCC VCAT Decisions</b>	<ol style="list-style-type: none"> <li><b>Davoli v Swan Hill RCC [2023] VCAT P819/2023 (27 October 2023)</b> 124 Lae Road, Robinvale <b>Permit applicant: Roy Costa Planning &amp; Development</b> Verbal decision by VCAT</li> <li><b>Zappia v Swan Hill RC [2008] VCAT 1446 (16 July 2008)</b> 3 Timor Road, Robinvale <b>Permit applicant: Roy Costa Planning &amp; Development</b> <a href="https://www8.austlii.edu.au/cgi-bin/viewdoc/au/cases/vic/VCAT/2008/1446.html?context=1;query=swan%20hill;mask_path=au/cases/vic/VCAT">https://www8.austlii.edu.au/cgi-bin/viewdoc/au/cases/vic/VCAT/2008/1446.html?context=1;query=swan%20hill;mask_path=au/cases/vic/VCAT</a></li> <li><b>Burns v Swan Hill RCC [2023] VCAT 1184 (25 October 2023)</b> 5 Little Murray Weir Road, Castle Donnington <b>Permit applicant: Roy Costa Planning &amp; Development</b> <a href="https://www8.austlii.edu.au/cgi-bin/viewdoc/au/cases/vic/VCAT/2023/1184.html?context=1;query=burns%20v%20swan%20hill;mask_path=au/cases/vic/VCAT">https://www8.austlii.edu.au/cgi-bin/viewdoc/au/cases/vic/VCAT/2023/1184.html?context=1;query=burns%20v%20swan%20hill;mask_path=au/cases/vic/VCAT</a></li> </ol>		

**Subject Site & Locality**

The subject land is located on the eastern side of Robinvale-Sea Lake Road and south of Crete Road, Robinvale, approximately 3.8km south of the Robinvale CAD.

The site is used for horticultural purposes, with a dwelling and outbuildings that are located to the south-west corner of the land fronting Robinvale-Sea Lake Road. There is an existing access to the road for the existing dwelling.

Land within the immediate area of the subject site is used primarily for intensive horticultural purposes and there is a winery (Robinvale Organic Wines) abutting the south-western corner of the land.

The site comprises an irregular shaped parcel having a total site area of 20.96ha.

The site has 290.04m of frontage to Robinvale-Sea Lake Road and 338.18m frontage to Crete Road. Both roads are sealed. Robinvale-Sea Lake Road is in the Transport Zone 2 – Principal Road Network (Department of Transport).

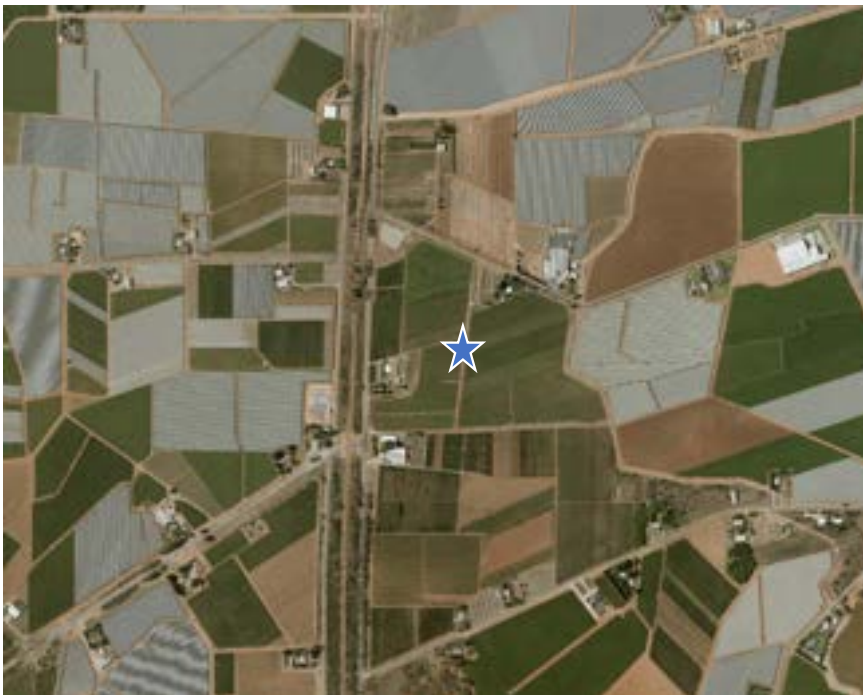


Figure 1: Existing Plan of Subdivision (Lot 3 on PS840769V)



Figure 2: Aerial image of subject land (Source: VicPlan)

The surrounding land comprises intensive horticultural land uses and development similar to the subject land. There are dwellings on many of the surrounding allotments and many have been excised from the horticultural allotments creating many residential allotments in the Farming Zone. A winery exists to the south-western corner of the land and a power station is located across Robinvale-Sea Lake Road and the existing railway reserve on the western side of Robinvale-Sea Lake Road.



*Figure 3: Aerial image of surrounding area*





**Proposal**

The application proposes a 2-Lot Subdivision (Dwelling Excision) in the Farming Zone of an existing lot of 20.96 hectares. The subdivision proposes the creation of an allotment for the existing dwelling. The subdivision is detailed as:

1. Proposed Lot 1: 0.9902 hectares and proposed to accommodate the existing dwelling and associated outbuildings.
2. Proposed Lot 2: 20.01 hectares being the balance lot and contains the existing vineyard.

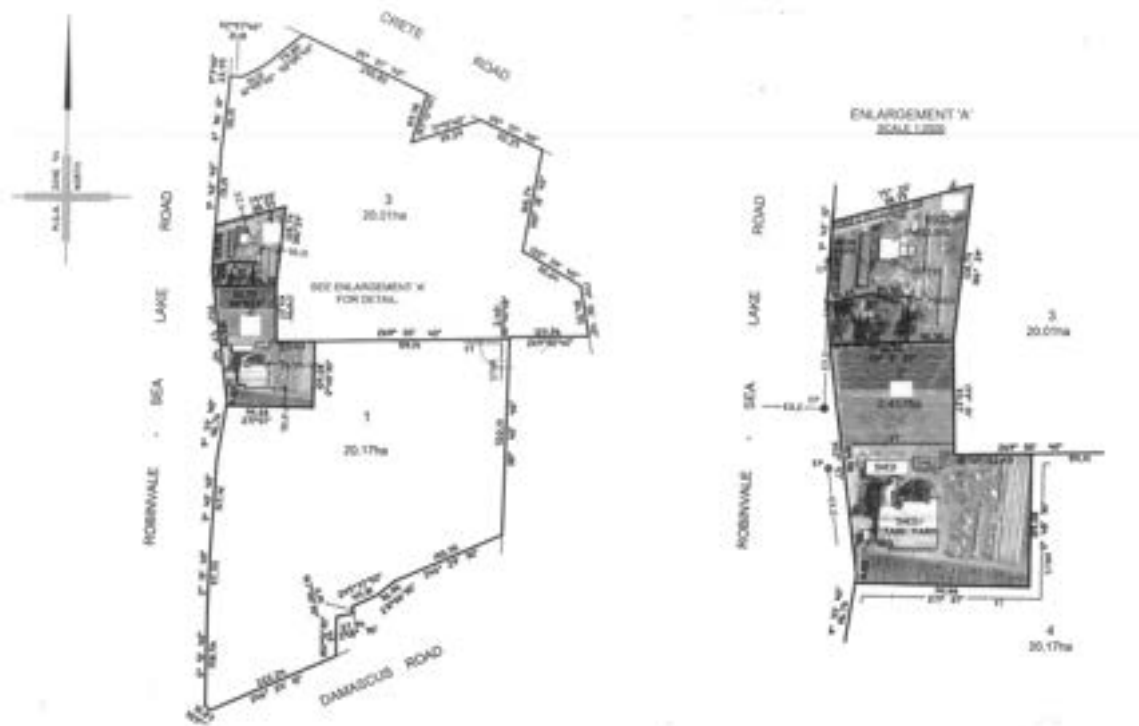


Figure 4: Proposed plan of subdivision submitted with the application.

The application contained the following information/documents:

1. Application form
2. Copy of Certificate of Title and Title Plan
3. Proposed plan of subdivision used from previous subdivision of the land
4. Written planning report.

The application documentation described the purpose of the subdivision as:

*'The proposal will result in the creation of a smaller lot 9902m<sup>2</sup> containing dwelling and associated outbuildings, and will allow for the expansion of the existing farm business on the balance of the land with an area of 20.01 hectares. The proposal will enable the owner to 'restructure' the farm and will allow the existing agricultural use to continue that is consistent with the objectives of Clause 14.01.*

*The proposal will not result in 'fragmentation' of agricultural land, instead, the proposal reduces the financial burden of maintaining the existing dwelling, sheds, etc. and will enable the infrastructure improvements on the agricultural land to enhance agricultural productivity.'*

The application does not include any information regarding consolidating the balance lot with any surrounding land.

The land is within the Robinvale Irrigation District.

### Permit Application History

Below is a review of the permit application history:

- The application was submitted to Council on 03/07/2023.
- The proposal is almost identical to a recent VCAT decision that upheld Council's decision to refuse the application for a 2 lot subdivision (dwelling excision) in the Farming Zone at 124 Lae Road, Robinvale (P819/2023 Davoli v Swan Hill RCC 2023).

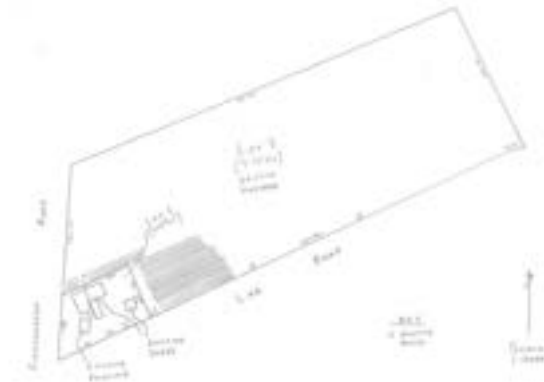


Figure 5: Proposed plan of subdivision refused by VCAT for 124 Lae Road, Robinvale

- The application was not advertised as it was regarded the proposal was unable to be supported. In such instances it is sound planning practice to not put the applicant to further expenditure through additional stages that involves additional costs.
- Further information was requested on 14/07/2023 advising the application as submitted was unlikely to be supported by Council. The application fails to meet the objectives and strategies outlined in relevant planning policy (including Clause 14.01) and the purpose and decision guidelines of the Farming Zone. Please advise if you wish for the application to proceed, or if you wish for the application to proceed, you are welcome to submit further information to support your application.
- A response to the RFI was received on 18/08/2023. The response did not provide any additional information to support the proposal. The applicant provided the following response and highlighted the sections in their original report they believe supported the application.
  - *'We wish to proceed with the application as a complete assessment against Clause 14.01 has been done. The farming zone allows for Dwelling Excision for the very reasons contained in the submission. Please proceed.'*
- Given the above response, the applicant advised to proceed with the application as submitted and this report is based on the information as submitted with the application.
- The application was not referred under Section 55 of the Act or internally to any Council departments as it was not deemed necessary given the intention to refuse the application.
- On 27/09/2023, the applicant was invited to attend a Council Assembly session schedule for 10/10/2023.
- On 03/10/2023 the applicant was sent a formal follow up letter advising the Planning Department has considered the application and recommend the application be refused as it is contrary to relevant planning policy, Farming Zone purpose and decision guidelines, and sets a precedent for this type of application in the Farming Zone. The applicant was advised prior to the Council Assembly session of the Planning Department recommendation.
- The application is scheduled to be determined at Council's 21 November 2023 Ordinary Meeting of Council.

### Site History

#### Planning Permit 2019/17

Permit was issued on 21 August 2019 for 'Subdivision of Land (Realignment) in Farming Zone and Alteration to Access in a Road Zone Category 1. The subdivision is demonstrated in the below existing and proposed plan of subdivisions:



Figure 6: Existing plan of subdivision prior to 2019/17



Figure 7: Endorsed plan 2019/17

The subdivision was a realignment of boundaries to separate the existing winery (Robinvale Organic Wines) from the land.

### Restrictive Covenant / Section 173 Agreement

Nil

### Public Notification

The application was not advertised as it was regarded from the outset by officers that the proposal was unable to be supported. In such instances it is sound planning practice to not put the applicant to further expenditure through additional stages that involves additional costs.

### Cultural Heritage Management Plan

Not required.

### Referrals

The application was not referred under Section 55 of the Act or internally to any Council departments as it was not deemed necessary given the intention to refuse the application.

### Municipal Planning Strategy (MPS)

#### Clause 02-03-4 Natural resource management

This clause is based around the need to preserve and protect the valuable agricultural and horticultural land within the municipality, particularly from the impacts of additional dwellings or small lot subdivisions in farming areas. The clause also recognises that significant fragmentation has already occurred, particularly in high value irrigated areas close to the Murray River.

The clause goes on to include the following statements:

*In order to manage the natural resources in the Rural City, Council will:*

- ***Protect horticultural and dryland agriculture because it is fundamental for economic growth.***
- ***Discourage small lot subdivision in rural areas that undermines the productive agricultural base of the Rural City.***
- ***Discourage dwellings in rural areas that are not related to agriculture.***
- *Discourage land uses in the Farming Zone that are not directly related to agriculture, or that have an adverse impact on agricultural opportunities.*
- *Support rural industry so long as it is associated with a rural activity.*
- *Direct rural industries to locations where the impact on agricultural land and off-site effects are minimised, and where good road access is available.*
- *Encourage the proper siting and design of intensive animal production to protect residential amenity and environmental quality.*

It is considered the proposal is contrary to Clause 02.03-4 (Natural Resource Management) of the Municipal Planning Strategy in relation to the protection of agricultural land and discouraging small lot subdivision in rural areas that undermines the productive agricultural base of the Swan Hill Rural City Council.

### Planning Policy Framework (PPF)

The proposal is contrary to the following clauses in Clause 14.01 of the PPF:

- Clause 14.01-1S – Protection of agricultural land
- Clause 14.01-1L – Agriculture

The proposal is contrary to Clause 14.01 (Agriculture) of the PPF for the following reasons:

1. It will result in inappropriate fragmentation of rural land.
2. Does not consolidate existing isolated small lots in rural zones.
3. Small lot subdivision is discouraged for personal and financial circumstances, and for rural lifestyle purposes.
4. The excision of the dwelling is not via the re-subdivision of existing lots so that the number of lots is not increased.

The above sections of the PPF are further detailed below and note Clause 14.01-1L provides detailed policy regarding small lot subdivisions.

#### Clause 14.01 – Agriculture

##### Clause 14.01-1S Protection of agricultural land

##### Objective

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

##### Strategies

- Identify areas of productive agricultural land, including land for primary production and intensive agriculture.
- Consider state, regional and local, issues and characteristics when assessing agricultural quality and productivity.
- Avoid permanent removal of productive agricultural land from the state's agricultural base without consideration of the economic importance of the land for the agricultural production and processing sectors.
- Protect productive farmland that is of strategic significance in the local or regional context.
- Protect productive agricultural land from unplanned loss due to permanent changes in land use.
- Prevent inappropriately dispersed urban activities in rural areas.
- Protect strategically important agricultural and primary production land from incompatible uses.
- Limit new housing development in rural areas by:
  - Directing housing growth into existing settlements.
  - Discouraging development of isolated small lots in the rural zones from use for dwellings or other incompatible uses.
  - Encouraging consolidation of existing isolated small lots in rural zones.
- In considering a proposal to use, subdivide or develop agricultural land, consider the:
  - Desirability and impacts of removing the land from primary production, given its agricultural productivity.
  - Impacts on the continuation of primary production on adjacent land, with particular regard to land values and the viability of infrastructure for such production.
  - Compatibility between the proposed or likely development and the existing use of the surrounding land.
  - The potential impacts of land use and development on the spread of plant and animal pests from areas of known infestation into agricultural areas.
  - Land capability.
- Avoid the subdivision of productive agricultural land from diminishing the long-term productive capacity of the land.

**Clause 14.01-1L Agriculture**

**Objective**

*'To discourage small lot subdivision that prejudices surrounding agricultural activities'.*

**Strategies**

<b>Strategy</b>	<b>Response</b>
<i>Discourage 'small lot' subdivision unless the balance lot is at least the minimum lot size specified in the zone.</i>	<b>Strategy MET</b> Balance lot is proposed to be 20.01 hectares.
<i>Discourage small lot subdivision to meet personal and financial circumstances.</i>	<b>X Strategy NOT MET</b> The application demonstrates the subdivision is required to meet financial circumstances. The applicant stated the proposal meets this Strategy but then also states <i>"the proposal reduces the financial burden of maintaining the existing dwelling, sheds, etc. and will enable the infrastructure improvements on the agricultural land to enhance agricultural productivity."</i>  Clearly, the application is for financial circumstances which is discouraged by this Strategy.
<i>Prevent small lot subdivision to create lots for 'rural lifestyle' purposes.</i>	<b>X Strategy NOT MET</b> The applicant has stated <i>"the dwelling is not required for the carrying out agricultural activities"</i> . This may be the case for the current owner but there is a severe housing shortage in Robinvale, especially for rural workers on farming land.  By excising the dwelling and stating the dwelling is no longer required for agricultural purposes, the dwelling will most likely be sold for rural lifestyle purposes and be permanently lost to agricultural use. There is opportunity for the dwelling to be used for rural worker accommodation which given the size of the existing parcel of land could be a benefit to the land.  The applicant has also stated there is no requirement for a Section 173 Agreement to be placed on the farming lot restricting further dwellings as it meets the minimum lot size for a dwelling in accordance with the Schedule to the Farming Zone for irrigated land. This would open the door for the owner to construct another dwelling on the farming lot in the future without a permit.  The size of proposed dwelling lot clearly demonstrates the lot will not have an associated farming use.
<i>Encourage any excised lot to be of a manageable size that maintains sufficient land on the balance lot to support agricultural activity.</i>	<b>Strategy MET</b> The proposed balance lot can support agricultural activity. The application was not supported by a farm management plan to demonstrate the viability of the existing vineyard, but given the proposed balance lot is greater than 20 hectares, it is considered sufficient to support an agricultural activity.
<i>Require the excision of a dwelling to be via the re-subdivision of existing lots so that the number of lots is not increased.</i>	<b>X Strategy NOT MET</b> The subdivision is not being undertaken via the re-subdivision of existing lots. The application is for a 2 lot subdivision of an existing allotment.  The applicant stated the proposal does not comply with this strategy.



	<p>According to current Council records, the owner of the subject land also owns the 20.17 hectare horticultural property abutting the southern boundary formally known as Lot 1 on Plan of Subdivision 840769.</p> <p>There was opportunity for the applicant to have consolidated this allotment to meet this strategy. The applicant has chosen not to include this allotment, therefore resulting in the proposal not complying with this strategy.</p>
<i>Discourage the creation of long, narrow lots, 'axe handle' lots or island-style lots.</i>	<b>Strategy MET</b>
<i>Discourage subdivisions that will impact on significant farm infrastructure.</i>	<b>? Insufficient information provided</b> There is no information provided in the application to determine if the subdivision will impact on farm infrastructure.
<i>Discourage further subdivision (by any method) of land where a dwelling has already been excised from the land.</i>	<p><b>Strategy MET</b></p> <p>No previous dwelling has been excised from the land but the existing winery (Robinvale Organic Wines) was excised (via realignment of boundaries) as part of Planning Application 2019/17 which is detailed in the Site History section of this report.</p> <p>Technically, the land has already been subject to an excision, but not of a dwelling. The outcome of 2019/17 has the same outcome as a dwelling excision, but had a different use on the excised lot.</p>
<i>Discourage the excision of a dwelling if it is required for the carrying out of agricultural activities on the land.</i>	<p><b>X Strategy NOT MET</b></p> <p>It has been stated in the application the dwelling is no longer required for the horticultural activity on the land. Although, this is the current circumstance, history of the land provides evidence the dwelling has been required for the existing horticultural land use and this does not mean it will not be required again in the future. The proposal will remove the potential for the dwelling to be used in association with the horticultural use of the land in the future.</p> <p>The applicant has also stated there is no requirement for a Section 173 Agreement to be placed on the farming lot restricting further dwellings as it meets the minimum lot size for a dwelling in accordance with the Schedule to the Farming Zone for irrigated land. This would open the door for the owner to construct another dwelling on the farming lot in the future without a permit.</p>
<i>Ensure the excision dwelling is habitable and has existing use rights under Clause 63.</i>	<p><b>X Strategy NOT MET</b></p> <p>The applicant has stated the existing dwelling has existing use rights under Clause 63 but has not provided or demonstrated how the existing dwelling complies with Clause 63.</p>
<i>Encourage a beneficial agricultural outcome for the land.</i>	<p><b>X Strategy NOT MET</b></p> <p>The applicant statements in the policy review section of the planning report <b>contradict</b> each other by stating "<b>The outcome in relation to agricultural production will therefore remain the same</b>" but then later in the report states "<b>The overall outcome will benefit the agriculture</b>".</p> <p>The proposal does not provide a beneficial agricultural outcome and no evidence has been provided. The application was not supported by a farm management plan that could demonstrate a beneficial outcome.</p>

	<p>Given the limited information provided with the application, there is no factual comment that can be made to whether there is beneficial outcome as a result of the subdivision.</p>
<p><i>Consolidate land in the same ownership if consolidation would facilitate the productive use of land.</i></p>	<p><b>X Strategy NOT MET</b>                  According to current Council records, the owner of the subject land also owns the 20.17 hectare horticultural property abutting the southern boundary formally known as Lot 1 on Plan of Subdivision 840769.</p> <p>There was opportunity for the applicant to have consolidated this allotment to to the balance lot of the proposed subdivision to create a larger and more viable farming allotment. The applicant has chosen not to include this allotment, therefore resulting in the proposal not complying with this strategy.</p>
<p><i>Whether there is a need for an agreement under Section 173 of the Act that specifies that the land may not be further subdivided (except in accordance with the minimum lot size in the zone).</i></p>	<p><b>COMMENT:</b>                  The application stated there is no requirement for a Section 173 Agreement to be placed on the balance lot restricting further dwellings as it meets the minimum lot size for a dwelling in accordance with the Schedule to the Farming Zone for irrigated land. This would open the door for the owner to construct another dwelling on the farming lot in future without a permit.</p> <p>The application stated:  <i>“The area of the larger lot will be greater than the minimum lot size requirement for as of right dwelling and therefore Section 173 Agreement prohibiting further dwelling will not be required”.</i></p> <p>The application also stated <i>“the dwelling is not required for the carrying out agricultural activities”.</i></p> <p>Should a permit be granted, it is considered a Section 173 Agreement would be required to ensure no further dwellings are constructed on the balance lot and the land is not further subdivided by any means unless via consolidation.</p> <p>This would be required as the land has had four (4) previous excisions.</p>

The assessment of the strategies outlined in Clause 14.01-1L demonstrates the proposal is contrary to policy for small lot subdivision.

On balance, the proposal as submitted does not adequately justify the proposal.

**Zoning**

**Clause 35.07 Farming Zone**

**Purpose**

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To provide for the use of land for agriculture.*
- *To encourage the retention of productive agricultural land.*
- *To ensure that non-agricultural uses, including dwellings, do not adversely affect the use of land for agriculture.*
- *To encourage the retention of employment and population to support rural communities.*
- *To encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provision.*

- *To provide for the use and development of land for the specific purposes identified in a schedule to this zone.*

Clause 35.07-3 Subdivision

A permit is required to subdivide land.

Each lot must be at least the area specified for the land in a schedule to this zone. If no area is specified, each lot must be at least 40 hectares.

A permit may be granted to create smaller lots if any of the following apply:

- **The subdivision is to create a lot for an existing dwelling. The subdivision must be a two lot subdivision.**
- The subdivision is the re-subdivision of existing lots and the number of lots is not increased.
- The subdivision is by a public authority or utility service provider to create a lot for a utility installation.

The Schedule to the Farming Zone stipulates the **minimum subdivision area is 20ha** of all land which is in a gazetted irrigation district or where a water use licence has been issued and applied to land for horticultural production purposes. The balance lot is proposed to be 20.01ha.

It is acknowledged a permit may be granted to create a smaller lot in accordance with Clause 35.07-3, but the creation of the smaller lot/s must be assessed against the relevant planning policy, Municipal Planning Strategy (MPS) and decision guidelines of the Swan Hill Planning Scheme.

It is considered the proposal is contrary to not only the purpose and decision guidelines of the Farming Zone, the application fails to be supported by planning policy and the MPS as previously detailed in this report.

**Overlays**

**Clause 42.01 Environmental Significance Overlay – Schedule 2  
‘Areas of poor drainage or potentially subject to inundation’**

The purpose of the Environmental Significance Overlay is:

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To identify areas where the development of land may be affected by environmental constraints.
- To ensure that development is compatible with identified environmental values.

The land is partially located within the Overlay in the north-western corner of the land.



Figure 8: ESO2 map

A permit is required for subdivision in accordance with Clause 42.01-2 of the Overlay to subdivide land.

The statement of environmental significance at Section 1.0 of Schedule 2 to the Overlay states:

*‘Flooding is a major issue for the Swan Hill municipality. Existing floodplain management studies need to be implemented through the planning scheme. This schedule will assist in the implementation of floodplain management studies and support strategic policies in the Planning Policy Framework.’*

The application is for subdivision only and the existing use of the land will not alter the potential inundation of the north-western area of the subject land.

**Particular Provisions**

**Clause 52.29 Land adjacent to the principal road network**

No permit is required in accordance with this Clause as there is no new access or alteration to an existing access proposed or required for the subdivision.

## General Provisions

### Clause 65 Decision guidelines

Because a permit can be granted does not imply that a permit should or will be granted. The responsible authority must decide whether the proposal will produce acceptable outcomes in terms of the decision guidelines of this clause.

#### Clause 65.02 Approval of an application to subdivide land

In accordance with Clause 65.02, before deciding on an application to subdivide land, the Responsible Authority must also consider, as appropriate:

- The suitability of the land for subdivision.
- The existing use and possible future development of the land and nearby land.
- The availability of subdivided land in the locality, and the need for the creation of further lots.
- The effect of development on the use or development of other land which has a common means of drainage.
- The subdivision pattern having regard to the physical characteristics of the land including existing vegetation.
- The density of the proposed development.
- The area and dimensions of each lot in the subdivision.
- The availability and provision of utility services, including water, sewerage, drainage, electricity and gas.
- If the land is not sewered and no provision has been made for the land to be sewered, the capacity of the land to treat and retain all sewage and sullage within the boundaries of each lot.
- Whether, in relation to subdivision plans, native vegetation can be protected through subdivision and siting of open space areas.

## Assessment

This application is for a 2 lot subdivision (dwelling excision) in the Farming Zone and is strongly discouraged by the Swan Hill Planning Scheme.

The application may be made in accordance with Clause 35.07-3 of the Farming Zone as it provides the ability to submit a planning application for a subdivision to create a lot for an existing dwelling and the subdivision must be a two lot subdivision. This does not mean that because a permit can be submitted for an application, a permit will be granted. The application must be assessed against the relevant planning policy, MPS, purpose and decision guidelines of the zone, and other relevant sections of the Swan Hill Planning Scheme.

Any application submitted to Council for assessment must also contain adequate information to enable a decision to be made. It is considered the application as submitted did not contain adequate information to justify the proposal. The application is not able to be approved as there is no information on how there will be a farming benefit from the subdivision. The application was not supported by a farm management plan demonstrating how the subdivision will benefit the future farming use of the land. The land owner also owns the horticultural allotment abutting the southern boundary that is also just over 20 hectares in size, but there was no proposal to consolidate this land with the balance lot of the proposed subdivision.

Dwelling excisions on rural allotments of this nature can have detrimental effects on the future operation of farming land if the subdivision does not have a direct relationship with the farming activity on the land. It is essential to ensure that any decision to approve a dwelling excision, that there is a beneficial farming outcome. In this instance, it is considered there is no beneficial farming outcome as the subdivision will result in the existing dwelling being removed from the horticultural lot that reduces the ability for the dwelling lot land to be used in association with a farming use. There is no guarantee the current owner will not sell the excised dwelling lot to someone else in the future that wishes to use the dwelling as a rural lifestyle lot, which will potentially create land use conflicts with the existing farming use of the land.

It is unfortunate there have been many dwelling excisions allowed in the Farming Zone across the municipality creating residential allotments in the Farming Zone. This can cause 'right to farm' issues, unnecessary land use conflicts and loss of agricultural land. Allowing excisions of dwellings on farming lots creates residential areas within the Farming Zone that slowly over time creates a greater loss of agricultural land. The poor planning outcomes of previous decisions should not be a consideration of whether to approve the current application.

The application was presented to a Council Assembly meeting which gave the applicant an opportunity to address Councillors on the application. The applicant simply stated the proposed complies with the Swan Hill Planning Scheme but did not provide any additional information that would enable an alternate determination to approve the application. The proposal creates a residential use of the existing dwelling within a farming area that planning policy strongly discourages as the dwelling will have no link to any farming use and there is no indication from the application the dwelling will be used in association with any farming use in the future. The excised dwelling lot is also too small for any sustainable and productive farming use. This removes the land from any future agricultural production.

The subdivision will enable each lot to be separately disposed of. The application does not contain adequate detail on how the subdivision will create a better farming outcome. If approved, the subdivision would be difficult to reverse in the future. There is potential for consolidation of the land with adjoining land to create larger farming lot sizes as previously mentioned in this report, but this is not part of the application submitted to Council and cannot be considered in the assessment of the application. The proposal represents a major shift from the existing horticultural use on the site to a horticultural lot and a residential lot that has no direct relationship with a farming use.

The applicant has also stated there is no requirement for a Section 173 Agreement to be placed on the farming lot restricting further dwellings as it meets the minimum lot size for a dwelling in accordance with the Schedule to the Farming Zone for irrigated land. This would open the door for the owner to construct another dwelling on the balance lot in the future without a permit. It is considered a Section 173 Agreement would be required (should a permit be granted) to restrict a dwelling on the balance lot and no further subdivision by any means unless via consolidation.

There are many VCAT decisions within the Swan Hill Rural City Council municipality for similar Farming Zone subdivision applications that do not support this type of subdivision. Many of the decisions are recent and the recommendation contained within this report is consistent with the relevant VCAT decisions. The VCAT decisions are discussed in more detail in the next section of this report.

Accordingly the recommendation is to refuse to issue a permit in this instance subject to the reasons outlined at the end of this report.



### Swan Hill Rural City Council VCAT Decisions

The assessment of this planning application is consistent with recent VCAT decisions within the Swan Hill municipality and are detailed below. **The VCAT decisions reinforce the recommendations from Council's Planning Department are consistent with the Swan Hill Planning Scheme and relevant VCAT decisions.**

**1. Davoli v Swan Hill RCC [2023] VCAT P819/2023 (27 October 2023)**

124 Lae Road, Robinvale (almost identical to current application)

Permit applicant: Roy Costa Planning & Development

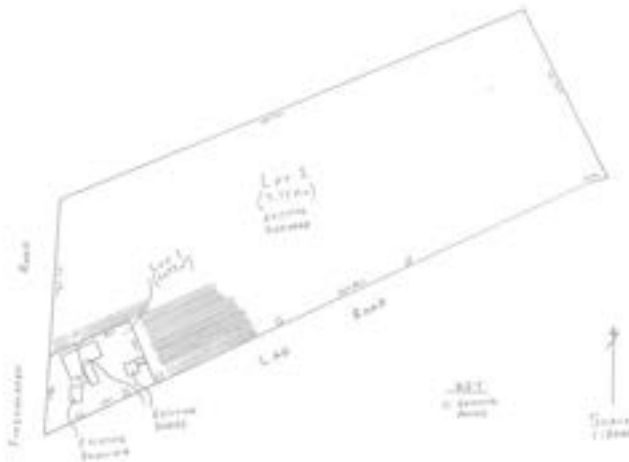
**COUNCIL DECISION UPHELD AND REFUSED BY VCAT**

The Order of this VCAT decision was given orally by VCAT Senior Member Bill Sibonis on 27 October 2023.

This decision of Council to refuse the application was upheld by VCAT and the Order dated 27 October 2023 stated:

- a. *'In application P819/2023 the decision of the responsible authority is affirmed*
- b. *In planning permit application PLN2023048 no permit is granted.'*

This application was similar to the current application. The proposal was for a 2 lot subdivision (dwelling excision) in the Farming Zone. The subdivision proposed a dwelling lot (proposed Lot 1) of 0.6699 hectares and a balance lot of 9.75 hectares.



This land is only 5.9km (by road) from the land subject to the current application.

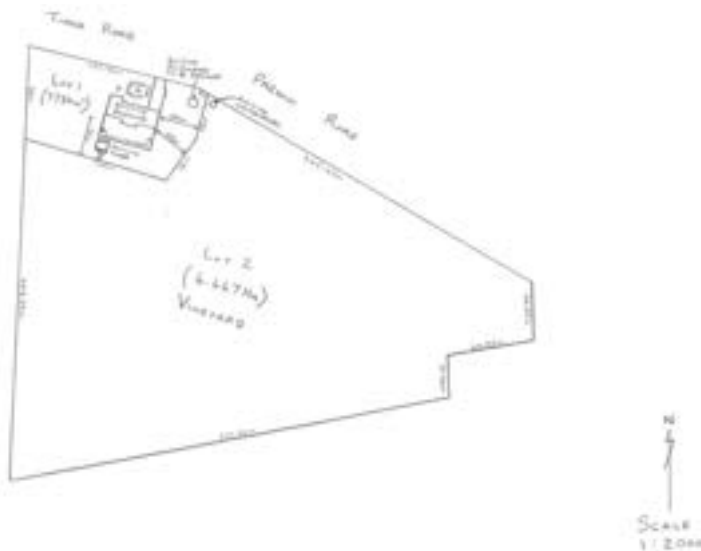


2. **Zappia v Swan Hill RC [2008] VCAT 1446 (16 July 2008)**  
3 Timor Road, Robinvale  
**Permit applicant: Roy Costa Planning & Development**  
**COUNCIL DECISION UPHELD AND REFUSED BY VCAT**

This decision of Council to refuse the application was upheld by VCAT Senior Member Margaret Baird and the Order dated 16 July 2008 stated:

- a. *'The decision of the Responsible Authority in permit application no. 07/169 is affirmed. A permit is not granted and no permit is to be issued.'*

This application was similar to the current application. The proposal was for a 2 lot subdivision (dwelling excision) in the Farming Zone. The subdivision proposed a dwelling lot (proposed Lot 1) of 0.7784 hectares and a balance lot of 6.667 hectares. This decision was made by VCAT in 2008.



This land is only 3.2km (by road) from the land subject to the current application.



**3. Burns v Swan Hill RCC [2023] VCAT 1184 (25 October 2023)**

5 Little Murray Weir, Castle Donnington

**Permit applicant: Roy Costa Planning & Development**

**COUNCIL DECISION UPHELD AND REFUSED BY VCAT**

This decision of Council to refuse the application was upheld by VCAT Member Christopher Harty and the Order dated 25 October 2023 stated:

- a. *'In application P914/2023 the decision of the responsible authority is affirmed*
- b. *Planning permit 2021-146-2 must not be amended.'*

Council originally approved a 2 lot subdivision and development of dwellings on each lot and alteration of access to a Transport Zone 2 road (Department of Transport). This was issued under delegation.

The original approved subdivision is shown below. The subdivision met the requirement of the 20 hectare minimum lot size in the Farming Zone for subdivision in an irrigated area. As the land is also in the Land Subject to Inundation Overlay (LSIO), the application was also approved for a dwelling on each lot as a permit is required only for 'development' in the LSIO. The use of a dwelling does not require a permit on a lot in the Farming Zone on a lot 20 hectares or greater.



The applicant then applied to Council to amend the application on 05 May 2023 to amend Condition 4 that reads:

4. *Prior to certification of the Plan of Subdivision, the owner/s of the lot/s must enter into an agreement with the Responsible Authority and (name of other authority or person if relevant) in accordance with Section 173 of the Planning and Environment Act 1987. The agreement must provide for:*

- a. *The lots created by the subdivision approved by Planning Permit No. 2021-146 cannot be further subdivided, by any means, to create lots below the minimum lot size of the applicable zone at the time.*

*Prior to a Statement of Compliance being issued:*

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

VCAT made comment in the Order the intention of deleting condition 4 would allow an application to made for re-subdivision and boundary realignment that could reduce one of the lots to an area less than the minimum lot size under the Farming Zone. This is a scenario Council seeks to avoid and prevent inconsistency with the strategy under Clause 14.01-1S of avoiding subdivision of productive agricultural land from diminishing the long-term productive capacity of the land.

VCAT found:

38. *I find the condition reasonable and regard it as a safeguard to limit lots that will contain a dwelling from being created below the minimum lot size under the FZ as it relates to irrigated areas and the minimum 20 hectares lot size for these areas.*
39. *I am of the view that, despite Condition 4(a) acting to limit the discretion available under the FZ with respect to dwelling excisions and boundary re-alignments, it supports policy and the purposes of the FZ under the planning scheme, as it relates to irrigation areas and this locality.*
40. *I accept that the limitation of the condition on the ability to undertake future land swaps, whether to facilitate changes to farming or for the flexibility of agricultural production, is a decision that flows from the changes made to the planning scheme. It is a tangible aspiration for protecting productive agricultural land.*
41. *In addition, I note that the land has been the subject to a past house lot excision and note a strategy under Clause 14.01-1L that discourages further subdivision (by any method) of land where a dwelling has already been excised from the land. This further reinforces my view that Condition 4(a) should not be amended as sought by the applicants.*

For the reasons above, Council's decision to refuse the application to amend the permit to delete Condition 4 was upheld by VCAT and no amendment was granted.

### Recommendation

That Planning Permit Application Number **PLN2023054** be determined pursuant to Section 65 of the *Planning and Environment Act 1987* by issuing Notice of Decision to Refuse a Planning Permit for a **2-Lot Subdivision (Dwelling Excision) in the Farming Zone** on **217 Robinvale-Sea Lake Road, Robinvale 3549** subject to the following grounds:

1. The proposal is contrary to Clause 02.03-4 (Natural Resource Management) of the Municipal Planning Strategy in relation to the protection of agricultural land and discouraging small lot subdivision in rural areas that undermines the productive agricultural base of the Swan Hill Rural City Council.
2. The proposal is contrary to Clause 14.01 (Agriculture) of the Planning Policy Framework for the following reasons:
  - a) The land has been part of a previous resubdivision that excised an existing dwelling (2019/17).
  - b) It will result in inappropriate fragmentation of rural land.
  - c) Does not consolidate existing isolated small lots in rural zones.

- d) Small lot subdivisions are discouraged for personal and financial circumstances, and for rural lifestyle purposes.
  - e) The excision of the dwelling is not via the re-subdivision of existing lots so that the number of lots is not increased.
3. The proposal is contrary to the purpose and decision guidelines of the Farming Zone in relation to the protection and retention of productive agricultural land.
  4. The proposal will set a precedent for similar Farming Zone land within the municipality that would contradict the purpose and decision guidelines of the Farming Zone and threaten the productive agricultural base of the Swan Hill Rural City Council.
  5. The applicant has not provided adequate evidence the existing dwelling has existing use rights in accordance with Clause 63 of the Swan Hill Planning Scheme.

Report prepared by:



Warrick Fisher  
Planning Team Leader  
**Date:** 13 November 2023

Peer Reviewed by:



Kate Jewell  
Development Manager  
**Date:** 14 November 2023



## 2.8 Tennis Victoria and Tennis Australia Event Support Fund

**Directorate:** Development and Planning  
**File Number:** S01-22-14 - S11-27-18  
**Purpose:** For Decision

### Council Plan Strategy Addressed

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

#### 1.3 Building Healthy Communities

1.3.1 Encourage active healthy lifestyles for people of all ages, abilities, and interests

1.3.2 Spaces where people of all ages, abilities and backgrounds can flourish

### Current Strategic documents

Council Plan  
Swan Hill Recreation Reserves Masterplan

### Declarations of Interest

Council Officers affirm that no general or material conflicts need to be declared in relation to the matter of this report.

### Summary

Following a recent presentation to Councillors by representatives from Tennis Victoria and Tennis Australia, Councillors were asked to consider a proposal intended to support tennis events of state and national levels by agreeing to the provision of a five year commitment of \$75,000 per year. The events are intended to be held in Swan Hill at the Lawn Tennis and Croquet Club.

Representatives from Tennis Victoria and Tennis Australia outlined their vision for Swan Hill Tennis and Croquet Club in terms of general and elite events and how the events provide an economic benefit to the region.

The financial commitment is intended to attract one or two tennis events of a state or national level, per year, including Country Week, every third year.

### Discussion

The Swan Hill Tennis and Croquet Club is located at the Ken Harrison Reserve, Swan Hill. The Club offers up to 50 tennis courts on a rotation basis. During Country Week this offering can extend to 100 courts via the preparation of the adjacent soccer fields to be used as courts.

Tennis Victoria and Tennis Australia are highly complimentary about the Swan Hill facilities and regard the Swan Hill grass courts as being the best in Australia. The

number of available, quality courts is an attractive and useful commodity for tennis events of state and national significance.

Other centres that are invited to host grass court tennis events include Mildura, Yarrawonga, Wodonga and Shepparton. The two latter venues host Country week in turn with Swan Hill, resulting in a local Country Week event every third year.

## Consultation

The Swan Hill Tennis and Croquet Club is based on a structure of volunteers and does not currently receive regular financial, operational or maintenance support from Council. The club employs one full time curator, a part time cleaner and engages an independent firm to carry out financial and administrative services. The club independently sources and funds the payment of these roles.

The Swan Hill Tennis and Croquet Club is supportive of Tennis Victoria and Tennis Australia's support in seeking a contribution from Council.

For comparison purposes, cities that also host Country Week include;

The City of Wodonga (population 44,000 people), who provide:

- support for Country Week directly to their local tennis association via their Events Support Program and do not currently have ongoing arrangements directly with Tennis Victoria or Tennis Australia.
- the current hosting fee to the Wodonga Tennis Centre for Country Week, every three years. The fee comes from their Events Support Fund, which has a similar overall budget to Swan Hill Rural City Council's (\$100,000).
- It is understood that the city of Albury also contributes to help fund this event

City of Greater Shepparton (population 69,000 people), who:

- deal with a sports marketing firm (Sports Marketing Australia) who operate on behalf of Tennis Victoria and attract a broker's fee
- pay the hosting fee of \$30,000 from its Events Support budget
- are responsible for the establishment expenses associated with the additional tennis courts required to host Country Week
- also cover costs associated with the payment of a curator leading up to Country Week.

Each of these Council's fund alternative tennis event hosting fees on a per application/event request basis; including the Pro-Tour Tournament and the Junior State level event.

Tennis Victoria has advised the hosting fee for Country Week is \$30,000. Tennis Victoria engages Sports Marketing Australia to seek placement of all events across multiple Local Government Areas and upon inquiry, hosting fee values are publicly available through this platform.

## Financial Implications

The value proposed for consideration by the Victorian and Australian tennis bodies is \$75,000 per annum.

In their presentation to Council, the forecast Economic Benefit to the region from tennis events over the last two years as presented in Table 1.

**Table 1: Economic Benefit to the Region 2022 & 2023**

EVENT	VISITORS	EST. IMPACT
TV Country Week	1500+	\$3.3m
Seniors Nationals	600+	\$1.2m
Pro Tour	300+	\$500k
<b>TOTAL</b>	<b>2,400+</b>	<b>\$5.0m</b>

Source: Tennis Victoria & Tennis Australia

The proposed potential benefit bought about by an annual investment of \$75,000 per annum for hosting rights as presented in Table 2.

**Table 2: Annual Hosting Rights Benefits**

YEAR	EVENT	EST. IMPACT
2023	Pro Tour & State Champs	\$750k
2024	Pro Tour	\$500k
2025	Junior Nationals + TV Country Week	\$650k + \$3.3 - \$3.5m
2026	Pro Tour + State Champs	\$750k

Source: Tennis Victoria & Tennis Australia

### Comparison Events

The Swan Hill Rural City Council Grants, Contributions & Events Support program has a total contributions budget of \$195,000.

This is divided into;

- Community Grants - \$78,000
- Youth Endeavour Scholarship - \$5,000
- Loddon Leadership Program - \$7,000
- **Events Support Fund - \$100,000**

The Events Support Fund of \$100,000 provides grant funding across regular, semi-regular and one-off event activities including a minor value for discretionary support. The Events Support Fund is offered as a grant opportunity and is opened in May of each year.

The tabled events and values may vary year to year, but the table below provides a group of indicative events, support values, people attending and economic benefit impacts for the purpose of analysis and comparison.

<b>Comparative Events</b>					
<b>Event</b>	<b>Event Support from Council</b>	<b>Logistical</b>	<b>Cash</b>	<b>People Attending</b>	<b>Economic Benefit</b>
Swan Hill Agricultural Show	\$6,000	\$1,500	\$4,500	7000	\$1,417,084
Food & Wine Festival	\$10,000	\$6,000	\$4,000	2000-2500	\$483,681
Lake Boga Easter Yacht Regatta	\$1,000	\$1,000	\$0	500	\$206,375
Robinvale Ski Race	\$4,500	\$4,500	\$0	2000 - 3000	\$966,000
Robinvale Easter Tennis Tournament	\$1,000	\$0	\$0	200	\$99,060
Swan Hill Bowls Tournament	\$2,000	\$0	\$2,000	500	\$884,300
Swan Hill Basketball Tournament	\$5,000	\$5,000	\$0	1800	\$583,500
Almond Blossom Festival	\$3,000	\$3,000	\$0	2000	\$642,150
Lake Boga NYE Fireworks	\$3,000	\$0	\$3,000	1800	\$374,600
Lake Boga Bank to Bank Swim	\$3,000	\$3,000	\$0	250	\$34,340
Senior Tennis Championship (Seniors Nationals)	\$40,000	\$0	\$40,000	700	\$1,200,000
Rockwiz Live Under the Stars	\$25,000	\$0	\$25,000	900	Not available
Go North Arts Festival	\$25,000	\$875	\$24,125	450	Not available
Yana & Kartini Wangi	\$15,000	\$0	\$15,000	10,600	\$2,295,977
Robinvale Lantern Festival	\$4,000	\$2,000	\$2,000	1000	\$292,650
Nyah District Christmas Carnival	\$2,000	\$1,000	\$1,000	1000	\$234,120
Lake Boga Splash In	\$3,000	\$1,500	\$1,500	3000	\$634,625
Badminton Veterans Tournament	\$1,000	\$0	\$1,000	250	\$58,866
Market Day (2 per year)	\$3,000	\$3,000	\$0	2000	\$400,000
Brew & Chew	\$10,000	\$3,000	\$7,000	1000 - 2000	\$772,650

## **Regular and ongoing Council Event Support**

Harmony Day - \$18,500 – 2000 people

Australia Day (pre-2023) – \$20,000 (including \$5,000 promotion) - 250 plus people

New Years Eve – Swan Hill (formerly) - \$30,000 – 1,000 to 2,000 people

## **Maintenance or Staffing Contribution Support**

For further analysis and comparison, it is important to consider the maintenance, operations and financial support provided to local clubs for the up-keep of their reserves and facilities, including those where Council is not the land manager.

- Woorinen Football Netball Club - \$5,500
- Manangatang Race Club - \$10,000
- Nyah Pool - \$36,000
- Manangatang Pool - \$36,000

## **Council Supported - Sporting Grounds Maintenance and Management**

The following venues and facilities receive Council maintenance and operational support;

- Swan Hill Showgrounds Recreation Reserve
- Alan Garden Reserve, including netball courts
- Lake Boga Recreation Reserve
- Gurnett Oval
- Lake Boga Equestrian Centre
- Ken Harrison Recreation Reserve
- Ultima Recreation Reserve
- Nyah Recreation Reserve
- Robinvale Riverside Park Sporting Complex
- Swan Hill Indoor Sport and Recreation Centre
- Swan Hill Aquatic and Recreation Centre
- Robinvale Recreation and Aquatic Centre
- Swan Hill Outdoor Swimming Pool

The following venues and facilities on Council managed land do not receive regular operational, maintenance or financial support;

- Swan Hill Tennis and Croquet Club
- Robinvale Lawn Tennis Club
- Swan Hill City Bowls Club
- Chisholm Reserve Motorplex
- Nyah West Tennis Club
- Robinvale Recreation Reserve (former Harness Racing and Show site)
- EF Butler Reserve – Equestrian

The provision of this data is for the purpose of assessing where Council currently provides maintenance, financial or operational support against sites or sporting/activities venues (accordingly benefitting that club), to those that operate in relative independence of Council.

Based on the information provided it is considered a request of \$75,000 per year has not been justified and an amount of \$30,000 per year to secure tennis events each year is an amount that is affordable for Council and will ensure an economic return.

Should the Council agree to a 5-year term of financial support to the contribution to the Swan Hill Tennis and Croquet Club it is proposed that the funding would be allocated from the Events Support Fund.

If Council does agree to make the annual contribution, the Swan Hill Tennis and Croquet Club need to be advised that they will need to comply with the requirements of the Events Support Fund Guidelines in accordance with Councils policy.

The guidelines require in part acknowledgement of the Council's support and the need to provide the Council with an acquittal report on the activities undertaken.

### **Social Implications**

The standard of the grass tennis courts in Swan Hill is regarded by representatives of Tennis Australia and Tennis Victoria as excellent and are a source of pride for the wider community.

Support for events of a sporting nature provides an opportunity for Swan Hill to underpin and further develop hosting possibilities for sporting events and activities in the region. As a municipality, Swan Hill can provide the facilities, including facility availability and capacity, accommodation, food, entertainment, retail, and complimenting services, to be recognised as a strong facilitator in the sporting events sector.

### **Economic Implications**

Tennis Victoria and Tennis Australia predict there is a considerable economic benefit from tennis tournaments to be realised in the Swan Hill region. Tennis Victoria estimates that Country Week can inject \$3.5 million into the local economy with smaller tournaments injecting up to \$750,000. An ongoing annual investment into tennis events will provide an economic benefit return to the region.

### **Environmental Implications**

N/A

### **Risk Management Implications**

- That Council could potentially over-subsidise a single sport at the expense of other stand alone, or less subsidised events or reserves/clubs that also provide a substantial economic benefit to the region.



- That if Council does not enter into a five-year agreement, the hosting fee associated with Country week (and other tournaments) may be incrementally higher for subsequent tournaments.

### Options

1. That Council agrees to prioritise and generate a \$30,000 (or similar) hosting fee from the Events Support Fund for only the 2025 Country Week event.
2. That Council agrees to prioritise and generate the \$30,000 (or similar) hosting fee from the Events Support Fund, every three years for Country Week. Other tennis events to be considered on an event-by-event basis, in association with an application from the Swan Hill Tennis and Croquet Club and event support fund availability.
3. That Council agrees to the financial support request from Tennis Victoria/Australia of \$75,000 per annum for the purpose of hosting one to two tennis events per year, for a period of 5 years and pay the fees directly to Tennis Victoria/Australia. The contribution to the Swan Hill Tennis and Croquet Club will be part of the 2024/25 Council budget process for inclusion.
4. That Council agrees to provide financial support for one to two tennis events per year at a cost nominated by Council for a set number of years also to be nominated by Council from either the Events Support Fund or for Budget inclusion depending on value.
5. That Council agrees to provide annual financial support directly to the Swan Hill Tennis and Croquet Club of \$30,000 for a five-year period, which in turn can be used for maintenance, operational, or conditional financial benefit i.e.: hosting fees with the contribution to the Swan Hill Tennis and Croquet Club to be allocated from the Events Support Fund.

### Recommendation/s

#### That Council

1. **Provides annual financial support from the Event Support Fund directly to the Swan Hill Tennis and Croquet Club which can be used for maintenance, operational, or conditional financial benefit i.e.: hosting fees.**
2. **Writes to the Swan Hill Tennis and Croquet Club advising that it will provide an annual contribution of \$30,000 for the next five years commencing in July 2024, subject to compliance with the requirements of the Council's Event Support Guidelines.**

#### Attachments:

1. Assembly Presentation – Tennis Victoria/Tennis Australia, 29 August 2023

The Mayor Councillor King adjourned the meeting for a 10 minute break at 4.09pm.



The Mayor Councillor King at 4.19pm resumed the meeting.

**CM 2023/89 Motion**

**MOVED Cr McKay**

**That Council**

- 1. Provides financial support to the Swan Hill Tennis and Croquet Club of \$45,000 from the 2024/25 Budget which can be used for maintenance, operational, or conditional financial benefit i.e.: hosting fees.**
- 2. Provides an annual contribution to the Swan Hill Tennis and Croquet Club of \$30,000 for the next five years from the Council Event Support Fund commencing in July 2024, subject to compliance with the requirements of the Council's Event Support Guidelines.**

**SECONDED Cr Kelly**

**The Motion was put and LOST 2 / 5**

Cr McKay called for a division

**For:** Cr Kelly and Cr McKay

**Against:** Cr King, Cr McPhee, Cr Young, Cr Jeffery and Cr Moar

**CM 2023/90 Motion**

**MOVED Cr McPhee**

**That Council**

- 1. Provides annual financial support from the Event Support Fund directly to the Swan Hill Tennis and Croquet Club which can be used for maintenance, operational, or conditional financial benefit i.e.: hosting fees.**
- 2. Writes to the Swan Hill Tennis and Croquet Club advising that it will provide an annual contribution of \$30,000 for the next five years commencing in July 2024, subject to compliance with the requirements of the Council's Event Support Guidelines.**

**SECONDED Cr Jeffery**

**The Motion was put and CARRIED 7 / 0**





# Swan Hill LTC

Working in partnership with Club and Council to establish Australia's premier grass court tournament venue

Swan Hill Rural City Council  
29<sup>th</sup> August, 2023

Tennis Australia | August 2023



# Content



## 01

Overview & Current State of Play

## 02

Driving Economic Impact through International, National & State event content

## 03

Future Proofing - building for the future of tennis in Swan Hill

## 04

Growing Through Partnerships

## 05

Summary



## Key Contacts

[Lawrence Robertson](#)

Director of Pathways & Tennis Services

Tennis Australia

[Bree Sharp](#)

Head of Tennis Operations

Tennis Victoria

[Paul Senior](#)

Regional Tennis Manager - Country West

Tennis Victoria

[Fiona Luscombe](#)

Pro Tour Manager

Tennis Australia



## Background and State of Play

Swan Hill Tennis Club plays a significant role in the community as well as for the sport of tennis in the wider region and beyond.

As well as a largely volunteer-driven venue servicing over 11,000 people who live within ten minutes year-round, it plays host to events such as Pro Tour events and Country Week, which bring profile and economic benefit to the area.

6.98% of the local population claims to have played in the last 12 months, with a further 5.63% stating that they have an interest in playing (but don't currently). This represents a significant portion of the community that currently sees value in the tennis offering at the venue.

The club does a fantastic job of maintaining the venue (including some of the best grass courts anywhere in the world) and of hosting major events, but the clubhouse is showing its age and is not in keeping with other major regional hubs in terms of the off-court amenity and player experience.



The venue services over **11,000 people** within a 10-minute drive time but attracts players from all across Australia and the world

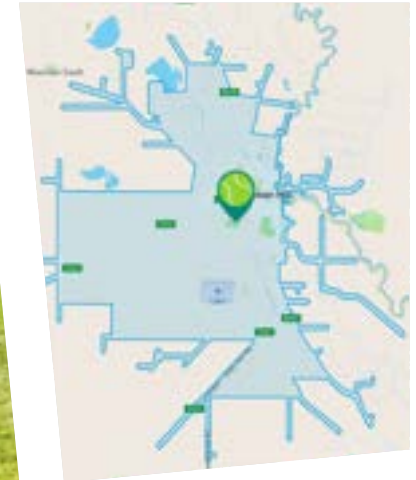


Over 1,500 visitors to the region from outside of Swan Hill annually (based on Country Week and Pro Tour events alone)



The level of interest to play (amongst those who aren't current players) within the catchment is 5.63% of the total population

\*Source: Kinetica Survey Data 2023



**The Swan Hill LTC venue plays an important role not only as a pillar of the local community but as a Regional Performance Hub offering world class grass courts which provides a venue capable of hosting international, national and state level performance events.**

3



## Swan Hill LTC

Court Surfaces: Grass (40-50), Hard Acrylic (4)

Clubhouse: Constructed in 1984

Amenities: Changing rooms,  
Tournament office,  
Function area, Kitchen

Club Use: Tennis, Croquet, Functions

### Management Model:

Swan Hill LTC is a not-for-profit volunteer run tennis club serving 200 members. Currently, Swan Hill Rural City Council does not contribute any funding to the running or management of the tennis club

### Maintenance

The grass courts are maintained by a full-time curator on a salary of \$80k and a Kitchen Hand / Cleaner on \$20k. All costs relating to the upkeep of the Club and grounds are the responsibility of the Club

### Volunteer Hours

It is estimated the Club volunteers 7,000+ hours per annum to run the Club and deliver Events.







## Grass Court Tennis

The world of professional tennis revolves around the 4 Grand Slams.

The most revered of all of these is The Championships hosted each year at the All England Lawn Tennis & Croquet Club. Whilst Wimbledon remains a Grand Slam, then grass courts will remain relevant in the world of professional tennis.

It has been recognised over the years that Australian's will perform strongly on grass as they have grown up on the surface and are comfortable with the style of play required to be successful.

To this extent, Tennis Australia will continue to seek opportunities to offer grass court tennis to our very best athletes both at junior and professional level.







## Investing in Swan Hill

In the past two years, Swan Hill have hosted a series of international, national and state level events which has driven significant economic benefit to Swan Hill and it's surrounding areas.

EVENT	VISITORS	EST. IMPACT
TV Country Week	1500+	\$3.3m
Seniors Nationals	600+	\$1.2m
Pro Tour	300+	\$500k
<b>TOTAL</b>	<b>2,400+</b>	<b>\$5.0m</b>

The opportunity now exists for Tennis Australia, Tennis Victoria, Swan Hill LTC and Swan Hill Council to build a 5 year plan based on both supporting the staging of significant annual tournaments as well as considering the facilities and amenities to support, not only tennis, but other community groups in Swan Hill from the tennis precinct.





**CASE STUDY**

# Tennis Victoria Country Week

Tennis Victoria Country Week is a week-long tennis event held in Country Victoria in early February of each year. Over 1300 players participate in this annual event, playing tennis on 100 natural grass courts (permanent and temporary). Tennis Victoria Country Week is the largest grass court tennis tournament in the world. Teams travel from across regional and metropolitan Victoria, inter-state and internationally.

There are 26 grades across Men's and Women's competitions, catering for all abilities. Players converge on the host town to participate in tennis on the court and social activities off the court for the week-long event.

Swan Hill Lawn Tennis Club has been an integral part of Tennis Victoria Country Week having hosted the event for many years. The event brings a significant economic benefit to the town and local community in the vicinity of \$3.3 million. The majority of participants require 6 bed nights and enjoy entertainment across 5 designated nights.

The clubs have the ability to generate revenue from food and beverage sales and hosting a welcome night. Under the proposed host agreement for 2025 and beyond, Tennis Victoria are seeking the host fee be paid by council, with a venue fee paid to the club.

Swan Hill Council | August 2023

**ECONOMIC IMPACT**  
**~\$3.3M**





## Swan Hill Major Events 2023 - 2026

From an event perspective, we would like to propose to Swan Hill Council that they commit to an annual investment into securing the hosting rights to major tournaments and events to support the long-term aspirations of the Club and the Town

YEAR	EVENT	EST. IMPACT
2023	Pro Tour & State Champs	\$750k
2024	Pro Tour	\$500k
2025	Junior Nationals + TV Country Week	\$650k + \$3.3 - \$3.5m
2026	Pro Tour + State Champs	\$750k

Tennis Australia & Tennis Victoria are seeking an annual contribution of **\$75,000** per annum to secure the hosting rights for the above events.





## Investing in the future

Building on recent meetings with the Mayor, Council representatives and Club officials, Tennis Australia were asked to provide an insight into what they believe is required from Swan Hill Council to bring the Clubhouse and associated facilities up to international / national standard.

Council also asked TA to consider the needs of other Community groups and the wider precinct in any initial thinking

Noting that there has been minimal investment from the Council into the tennis infrastructure in over 30 years.

## PROCESS

- 1 STRATEGIC ALIGNMENT - ESTABLISH INTEREST IN PROJECT FROM COUNCIL
- 2 OPERATIONAL MODELLING - DRAFT MASTERPLANS AND COSTINGS FOR CONSIDERATION
- 3 COMMUNITY CONSULTATION + DETAILED BUSINESS PLAN
- 4 DETAILED DESIGN AND FINALISATION OF FUNDING MODEL
- 5 FINAL SUBMISSION AND COUNCIL APPROVAL



**“Our ambition is to establish Swan Hill LTC as Australia’s premier grass court tournament venue”**

**Christian Devlin – President, SHLTC**

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## Swan Hill LTC Concept Clubhouse

The Swan Hill LTC is a significant facility with 40-50 natural grass courts and four acrylic hard courts.

Some works are required to the hard courts, but the clubhouse, which was built c.1980s, is the primary concern in terms of fitness for purpose.

A modern, fit-for-purpose Tier 2 facility (a High Performing Regional Venue) needs to cater for a number of things (see Appendix 1), meeting a range of community needs, year-round tennis needs and major event needs.

A concept design such as that shown to the right and on the next slide is indicative of a modern design that would suit many of the needs of a venue such as Swan Hill. (Additional design work will follow further community consultation and scoping of local needs).

Due to the ongoing maintenance and operational responsibilities, The Swan Hill Tennis Club is limited in its capacity to support these works.

Once the clubhouse and court works are completed, the venue will return to a more typical court maintenance and resurfacing schedule, whereby hard courts may only need resurfacing every 10 years and ongoing grass court and building maintenance would be carried out by the club.



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## Taking Swan Hill Tennis into the Future - Infrastructure



**Estimated cost:**  
Acrylic hard court refurbishment and Clubhouse Redevelopment: \$4-5m. (Estimate based on indicative m2 rate only with escalation etc considered - for planning purposes only)

Indicative design only based on other regional facilities that perform similar function - not for distribution





## Summary

- Swan Hill LTC has the opportunity to establish itself as one of Australia's premier grass court venues
- The Club and the salaried curator invest significant time and money into the running and maintenance of the Council asset
- Hosting TA & TV events provides significant economic benefit to the City of Swan Hill
- Investment into the Club's infrastructure will be key in future-proofing the ability for the Club to continue hosting events
- Tennis Australia & Tennis Victoria are seeking an annual investment of \$75,000 +CPI to secure annual major event content for SHLTC including TV Country Week every 3 years.
- TA, TV and SHLTC wish to work with SHRC to develop a precinct masterplan with costings.
- TA, TV and SHLT are open to working closely with SHRC and other Community groups to help develop the masterplan



## Recommendations

1. Swan Hill Rural City Council (SHRCC) to work with all stakeholders to explore the financial business case for the upgrade of the Clubhouse and 4 acrylic hard courts to support the ongoing hosting of major events and the ongoing economic impact for the region. This will be an intervention to get the venue back on to a regular asset management program.
2. Swan Hill Tennis Club continues to pay a modest lease fee for the venue, with that fee going towards a capital works budget for the facility to ensure that it remains fit-for-purpose for year-round use as well as for major regional events.
3. Ongoing capital works such as court resurfacing and the replacement of other core assets such as fencing, lighting and buildings is managed by the Swan Hill Rural City Council in recognition of the significant economic benefit that the venue provides. A modest capital works budget against an annual economic benefit ranging from \$750k to \$3.3m per annum would provide significant value to SHRCC.
4. Swan Hill Tennis Club operates as the primary service deliverer on site, providing affordable access to tennis and delivering the events that bring the economic value that has been outlined. Covering operational costs, year-round maintenance and the lease contribution should be achievable with support from SHRCC on managing exceptional maintenance, major asset replacement and providing financial support to the major events that can be hosted by the Club each year.





Tennis Australia, Tennis Victoria  
& Swan Hill Lawn Tennis & Croquet  
Club

## 2.9 Smoke on the Water May 5 2024

**Directorate:** Development and Planning  
**File Number:** S12-02-154  
**Purpose:** For Decision

### Council Plan Strategy Addressed

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

#### 1.4 Foster Creative and Cultural opportunities

1.4.1 Promote and celebrate the creative and cultural pursuits within the region

### Current Strategic documents

Council Plan  
Economic Development Strategy 2017 - 2022  
Swan Hill Rural City Council Tourism Advocacy Document 2020

### Declarations of Interest

Council Officers affirm that no general or material conflicts need to be declared in relation to the matter of this report.

### Summary

To provide Council with details on the proposed Smoke on the Water Event and determine if a financial contribution towards the staging of the event will be made by Council.

### Discussion

A touring event across the Murray River towns, Smoke on the Water offers an array of food and beverages (smoked meats, craft breweries, local wineries, and artisan distilleries), competitions & BBQ, live cooking demonstrations, specific stalls, live entertainment, and children's activities.

### Swan Hill

Following the meeting held with Council on Tuesday 3 October 2023, the organisers nominated two locations for the staging of the event, the Pioneer Settlement and Riverside Park; with the organisers since concluding that they believe Riverside Park may be the more suitable location due to the uncertainty regarding construction of the new building at the Pioneer Settlement and avoiding the other areas with working in and around a tourism venue.

The date for the event has been set for Sunday 5th May 2024. This is a traditionally a very quiet month.

Estimated patron numbers are estimated to be 2000, this estimate has been provided by the organisers based on known events (Food and Wine) and sample events of this same genre (Wentworth Smoke Show and Echuca) refer attached raw data information.

In Summary for Swan Hill the organiser estimates are as follow:

- Locals - 1000
- Day Trip - 660
- Overnight - 340

Using REMPLAN daily expenditure inputs of:

- \$142 for day trip (\$93,720); and
- \$217 for overnight (\$73,780)

The organisers suggest that what they are proposing will be a similar event in status and size and sustainability as the Swan Hill Region Food and Wine Festival and believe that the demographic will be similar in it's make up e.g. locals, day trippers and overnights, however this event will be a more family focused event with a leaning towards food accompanied by alcohol.

What the organisers are seeking:

- Maintain total control and revenue from food and beverage to make this viable and so their patron price target of \$25 per head and \$50 per family is achievable (under 12-year-olds are free).
- Council to provide support for the first 3 years to underwrite its continued commercial success and then the event expects to be sustainable.
- From a logistic support point of view support for free of charges:
  1. Venue hire
  2. Fencing
  3. Electricity
  4. Toilets
  5. Waste management
  6. Traffic management

It is estimated that the value of these support services will be between \$5000 and \$10,000.

Organisers indicated that they have an offer from another Council of \$5,000-\$10,000 in support for Fencing (hired by Council), site hire, tables, and chairs (Council already had these) and toilets to be dropped off at the event venue.

Other similar events have received the following support from Council for FY23/24:

- Brew and Chew Festival - Sponsorship: \$7,000.00 & Logistical Support: \$3,000.00. Council will support this event through POPE (Places of Public Entertainment) permit fee, event permit fee, traffic management and signage, venue hire and toilet cleaning.
- Swan Hill Region Food and Wine Festival - Sponsorship: \$4,000 & Logistic Support: \$6,000. Council will support this event through POPE Permit Fee, venue hire, Event Permit Fee, and toilet cleaning.

### **Consultation**

A meeting was held on the 3 October 2023 with organisers and relevant Council staff. If the event was to proceed at Riverside Park, under the new venue management arrangement, Council would organise the fencing, toilets, manage the ticketing through Council's ticketing platform (allowing an allocation of tickets for them to sell through an additional ticketing platform for added exposure) and discuss with them further regarding the liquor arrangements.

The event organisers made a presentation to the Councillor Assembly on the 24 October 2023 and outlined the plans for the event, the potential for the event to grow and answered questions that Councillors had about aspects of the event.

### **Financial Implications**

The Event Support Fund has a balance of approximately \$23,000. It should be noted that there is a separate report to this Council Meeting requesting consideration of funding for the Lake Boga New Years Eve Fireworks Event (\$5,000) and if Council do contribute to this event the balance will be reduced.

Council resolved in December last year at its Council Meeting that it would consider whether a second round of funding will occur, should a significant uncommitted amount of funding remain.

### **Social Implications**

- Facilitating community engagement and social interaction

### **Economic Implications**

- Encouraging tourism
- Supporting local suppliers
- Intend to hire local as a priority



## Environmental Implications

The event would need to ensure that it was environmentally friendly and have regard to issues around waste management and recycling.

## Risk Management Implications

All events on Council owned and/or managed grounds must go through Council's Event Approval Process.

**Attachments:**

1. PROPOSAL V 4 (3) [2.9.1 - 19 pages]
2. smoke on the water overview updated 2 [2.9.2 - 1 page]

## Options

1. support the initial proposal for the Riverside Park and logistical support
2. not support the initial proposal for the Riverside Park and logistical support

The proposed event certainly will add to the Calander of events that has been established and Councillors should consider some level of support to secure the staging of Smoke on the Water in Swan Hill.

As a part of a series of events there is also the capacity to actively have the organizers promote Swan Hill as an events destination for tourists and visitors during traditionally a quiet period of the year which will then further extend Swan Hill's attraction capacity.

The staging of the event should be considered for the Riverside Park environs as the event could be impacted by preparation works for the proposed new building at the Pioneer Settlement.

Consideration should be given to a first-year commitment with a requirement for funding for the organisers to provide a detailed report on the outcomes of the event and that any future funding request should be submitted as a part of the Council's Events Support Program.

## Recommendation/s

### That Council:

1. **Advise the organisers of the Smoke on the Water event of its support for the staging of this event on Sunday 5 May 2024 in Riverside Park Swan Hill.**
2. **Contribute \$5,000 towards the logistical costs associated with the staging of the Smoke on the Water Event to be held on the 5 May 2024.**
3. **Advise the organisers that it is unlikely that \$5000 will be sufficient to cover all logistical costs.**

## CM 2023/91 Motion

## MOVED Cr Jeffery

**That Council:**

- 1. Advise the organisers of the Smoke on the Water event of its support for the staging of this event on Sunday 5 May 2024 in Riverside Park Swan Hill.**
- 2. Contribute \$5,000 towards the logistical costs associated with the staging of the Smoke on the Water Event to be held on the 5 May 2024.**
- 3. Advise the organisers that it is unlikely that \$5000 will be sufficient to cover all logistical costs.**

**SECONDED Cr Moar**

**The Motion was put and CARRIED 7 / 0**





**A celebration of all things  
smokey, savoury, and  
downright delicious.**





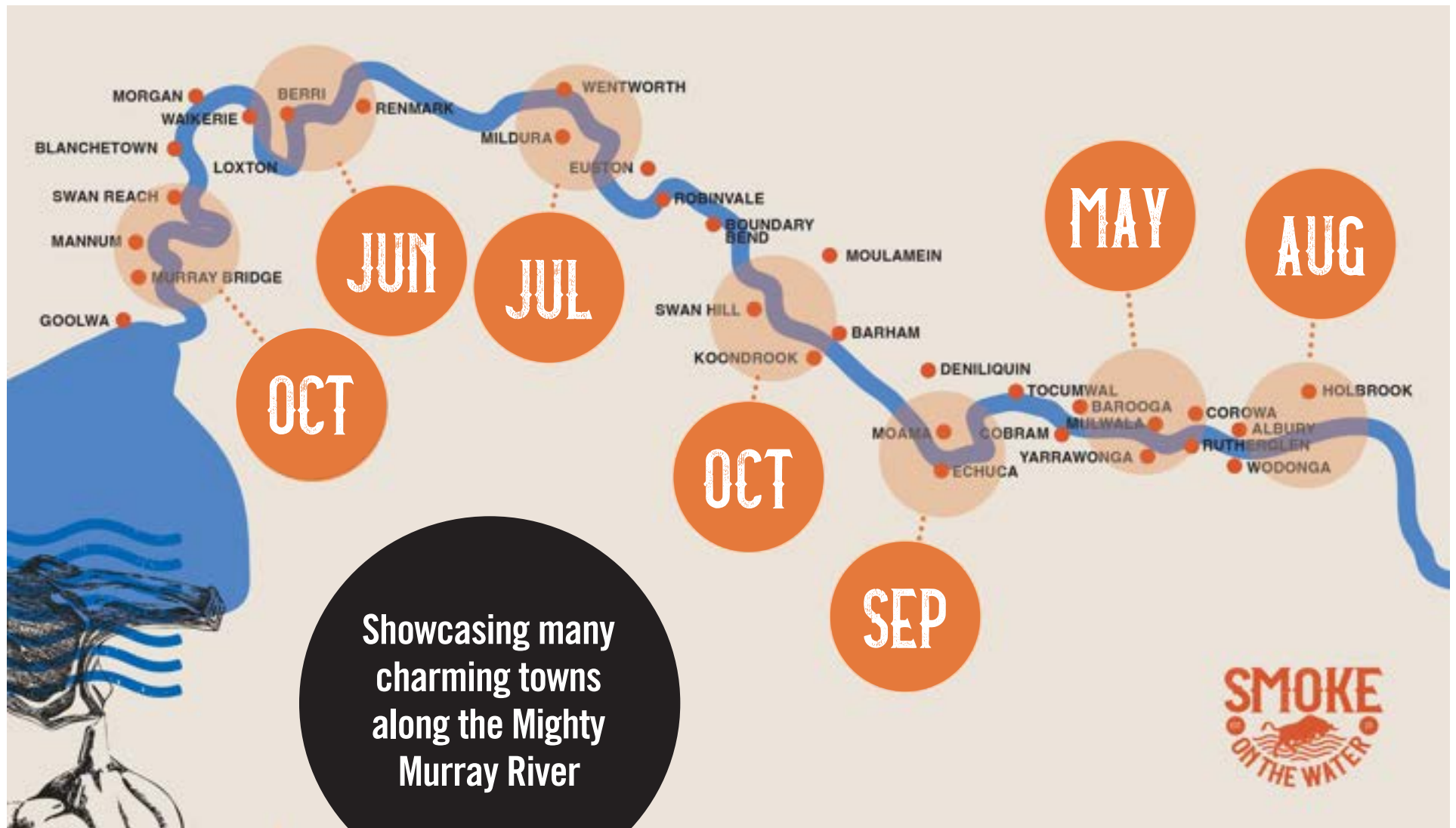
**Get ready to savour the ultimate blend of flavour, competition, and entertainment as we bring you the most mouthwatering events of the year: Smoke on the Water.**





**Join us in not just one, but many charming towns along the Mighty Murray River, where the air will be filled with the tantalizing aroma of slow-cooked, succulent smoked meats, and unique and plentiful offerings from local providers.**





Immerse yourself in a culinary journey like no other as pitmasters from across the region gather to showcase their skill and passion in fiery BBQ competitions that are sure to leave taste buds tingling.



**But Smoke on the Water is more than just a feast for your palate. Prepare to be captivated by live cooking demonstrations that unveil the art and science behind the perfect smoke-infused delicacies.**



Learn tips and tricks from seasoned experts, and discover the secrets to mastering the grill.





**As the sun sets, the celebration continues with a diverse lineup of unique live entertainment that will keep you grooving throughout the evening. From flame twirlers to foot-tapping beats, the sounds and sights of Smoke on the Water will perfectly complement the sizzle and smoke of the day's culinary endeavours.**





**Whether you're a dedicated foodie, a BBQ aficionado, or simply seeking a memorable weekend along the serene Murray River, Smoke on the Water promises an unforgettable experience for all ages.**



**Come with an empty stomach  
and an open heart, and  
leave with new friends,  
unforgettable flavours...**





# EVENT FEATURES

## FOOD & BEVERAGE

Core team of smoked meat specialists  
Local and regional producers  
Craft breweries  
Local wineries  
Artisan distilleries

## COMPETITION & BBQ

Accredited bbq competition  
Locally sourced meats  
Professional and amateur  
Backyard pitmasters  
Uniquely built BBQs

## ENTERTAINMENT

Smoking ceremony  
Flame twirling  
Live music  
Fireworks  
Pyrotechnics

## UNIQUE VENDORS

BBQ rubs  
Blacksmiths  
BBQ builders  
Butchers  
Charcuterie  
Art & sculpture



# OUR NUMBERS

**7 EVENTS  
OVER 10 DAYS**

Albury Wodonga (2 days)  
Yarrawonga Mulwala  
Echuca Moama (2 days)  
Swan Hill  
Mildura Wentworth  
(2 days)  
Bamera Riverland  
Mannum

**PATRONS**

25800 Total  
13,000 locals  
8,500 Day trippers  
4,300 overnight Stays  
expected growth  
20%pa

**ECONOMIC  
BENEFIT**

\$6.5m (Year 1)





# EVENT INCOME





# BENEFITS

## STRATEGIC ALIGNMENT

Closely aligned with the Food & Drink strategic priority's of local and state government's with regard to events and local produce. The event serves as a culinary and cultural showcase that celebrates the rich flavours of the Murray.

## SCALABLE

The event has growth potential and scalability in the future, to expand its reach and impact into other destinations in the Murray river and Riverland regions.

## TARGET MARKET

Our target markets align with both state and regional target markets, drawing in a diverse range of attendees who share a passion for regional travel and culinary excellence.

## SUSTAINABLE

Sustainability through waste reduction, recycling, and sourcing local, eco-friendly products to minimize the event's environmental footprint.



# BENEFITS

## INCLUSIVE

Committed to being an inclusive and family-friendly event, extending a warm welcome to people from all backgrounds.

## LGA SUPPORT

initial discussions with local government have been exceptionally positive, with Smoke on the Water receiving in principle support.





**SMOKE**  
EST 23  
**ON THE WATER**

**CONTACT**  
Steve Timmis Manager  
Ph 0400819198 | [manager@smokeonthewater.au](mailto:manager@smokeonthewater.au)  
110 Eighth Street Mildura Vic 3500  
[smokeonthewater.au](http://smokeonthewater.au)

## MINUTES - Scheduled Council Meeting - 21 November 2023

		Total	Locals	Day trip	Overnight		
May	Yarrowonga	3000	1500	990	510	17%	0.3333333
Oct	Swan Hill	2000	1000	660	340	170	
July	Mildura /Wentworth	2500	1250	825	425	40% day trips	
		2500	1250	825	425		
July	Albury/Wodonga	3000	1500	990	510		
		3000	1500	990	510		
Sept	Echuca/Moama	2500	1250	825	425		
		2500	1250	825	425		
<b>Total number of visitors</b>		<b>21000</b>	<b>10,500</b>	<b>6,930</b>	<b>3,570</b>		
Daily Expenditure				\$142	\$217		
Expenditure				\$984,060	\$774,690		
Total expenditure				\$1,758,750			
Tourism impact	Effects			<b>Direct</b>	<b>Supply chain</b>	<b>Consumption</b>	<b>Total</b>
	Output			1,758,750			2,961,735
	Long term employment						1.684
	0.256 Wages and salaries			450,240			729,389
	0.476 Value added			837,165			1,443,272
							5,134,396
<b>Total economic benefit</b>				<b>\$5,134,396</b>			

<b>South Australia</b>	June	Berri	3000	600
	Oct	Mannum	3000	600
			6000	1200

## 2.10 Domestic Animal Management Plan-2023 Review

**Directorate:** Development and Planning  
**File Number:** S24-24-01  
**Purpose:** For Decision

### Council Plan Strategy Addressed

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

#### 1.3 Building Healthy Communities

1.3.1 Encourage active healthy lifestyles for people of all ages, abilities and interests

1.3.2 Spaces where people of all ages, abilities and backgrounds can flourish

### Current Strategic documents

No strategic documents applicable.

### Declarations of Interest

Council Officers affirm that no general or material conflicts need to be declared in relation to the matter of this report.

### Summary

The Domestic Animal Management Plan 2022-2025 was developed in accordance with section 68A of the Domestic Animal Management Act 1994 (the Act). Under the Act, Council is required annually review its Domestic Animal Management Plan (DAMP).

### Discussion

The Domestic Animal Management Plan 2022-2025 was adopted in November 2021, and this is the second annual review of the current plan. The plan states that under Section 68A (3) of the Act, every Council must:

- a. review its Domestic Animal Management Plan annually and, if appropriate, amend the plan;
- b. provide the Department of Jobs, Precincts and Regions Secretary with a copy of the plan and any amendments; and
- c. publish an evaluation of its implementation of the plan in its annual report.

The Domestic Animal Management Review 2023 (attached) details the actions that have started, the actions that have been completed, and the actions that will occur in 2024.

Achievements within the second year of the plan include;

### Emergency management response

During the October 2022 flood event, Council's Regulatory Services Department aided 17 displaced cats and dogs whose owners had to evacuate their homes. The animals

were from the Gannawarra Shire Council and the owners were staying at the Swan Hill Relief Centre.

Some of the cats and dogs were housed in the Swan Hill Pound for nine weeks. This was a very stressful time for the displaced people and their pets, and the assistance provided by Council staff was as follows:

- volunteering to be on-call to assist any animals that arrived at the relief centre after hours,
- transporting animals from the relief centre to the pound if the owners were unable to do so,
- facilitating multiple daily visits to the pound so owners could spend time with their pets,
- purchasing additional supplies and equipment to ensure the animals were safe and well cared for,
- administering medication to one dog, as required,
- providing owners with a substantial supply of pet food after their animals left the pound; and
- developing a list of pet friendly accommodation services around region so owners and pets were not separated.

During this time, staff dealt with a number of highly emotional and vulnerable people and have since completed mental health first aid training to improve their knowledge and skills in helping people in these types of stressful situations.

### **Seizure of excess animals**

In June 2023, Council received a complaint about a dog attack on sheep. The investigation later found the dog owner had 40 dogs on his property. The dogs were kept in poor conditions but were all reasonably healthy. The seizure of the Kelpie crossbreed dogs was a joint effort between Council, the RSPCA and the Victorian Police. The owner fully cooperated on the day, with 33 dogs taken and rehomed by the RSPCA. Five dogs were surrendered to Council and taken to the vet for assessment. Due to poor health and behaviour the five dogs were euthanised. The owner kept two dogs and officers undertake monthly welfare checks to prevent the situation from occurring again. In 2018, the same owner was found to have 120 dogs on his property in an adjoining municipality.

### **Proactive registration checks**

The Central Animal Records microchip database was cross-checked in October 2023. Fifty follow-up phone calls resulted in 10 new animal registrations.

### **Increase in new animal registrations**

There were 396 new animal registrations in 2023, 43 more than in 2022. This may be attributed to 12 various media promotions that included newspaper articles, radio interviews, Council website stories and social media posts.

### **Cat confinement consultation**



In 2023 consultation for cat confinement commenced. The question residents were asked via the Let's Talk platform was 'Do you think cats should always be contained to their owner's property? (Yes/No)'. 70% of respondents voted Yes and 30% voted No. A survey will be put out to residents later this year to gain further feedback on 24-hour cat curfews and partial curfews, as well as mandatory cat desexing. A report will be provided to Council in early 2024.

### **Amendments to plan**

No changes to the DAMP are required or recommended as a result of the review. A copy of this report and the review will be sent to the relevant State Government department and reported in Council's annual report.

### **Consultation**

Consultation, as required will be undertaken during the implementation of the remaining actions in the plan.

### **Financial Implications**

There was significant cost borne by Council in housing and caring for flood impacted people's pets.

### **Social Implications**

The intention of the Domestic Animal Management Plan is to provide community safety in relation to responsible pet ownership.

### **Economic Implications**

Nil.

### **Environmental Implications**

Responsible pet ownership leads to improved outcomes for native animals

### **Risk Management Implications**

Nil.

### **Attachments:**

Domestic Animal Management Plan 2022-25

Domestic Animal Management Plan 2022-25 Review

### **Recommendation/s**

#### **That Council:**

- 1. Note the Domestic Animal Management Plan Review 2023 and the work carried out over the second year of the plan to ensure the management of animals.**
- 2. Make no amendments to the Domestic Animal Management Plan 2022-25.**
- 3. Provide a copy of the review of the Domestic Animal Management Plan to the Secretary of the Department of Jobs, Precincts and Regions.**

**CM 2023/92 Motion**

**MOVED Cr McKay**

**That an extension of 30 minutes be granted for the meeting to continue at 4.49pm.**

**SECONDED Cr Jeffery**

**The Motion was put and CARRIED 7 / 0**

**CM 2023/93 Motion**

**MOVED Cr Young**

**That Council:**

- 1. Note the Domestic Animal Management Plan Review 2023 and the work carried out over the second year of the plan to ensure the management of animals.**
- 2. Make no amendments to the Domestic Animal Management Plan 2022-25.**
- 3. Provide a copy of the review of the Domestic Animal Management Plan to the Secretary of the Department of Jobs, Precincts and Regions.**

**SECONDED Cr Moar**

**The Motion was put and CARRIED 7 / 0**

## Domestic Animal Management Plan 2022 - 25 Action Plan - October 2023

All data correct as at 09/11/2023.

### 2.3 Our plans for training

**OBJECTIVE 1: MAINTAIN TRAINING REGISTER THAT CLEARLY IDENTIFIES MINIMUM TRAINING REQUIREMENTS AND ANY ADDITIONAL TRAINING THAT SHOULD BE COMPLETED BY AUTHORISED OFFICERS**

Activity	When	New/ Current	Evaluation	Outcome	Comments	Next Step
Identify training requirements during annual staff performance reviews	Annually – June and as required	Current	Add training to training register	<p>2023 Training Completed:</p> <ul style="list-style-type: none"> <li>• Culture at Work</li> <li>• Child Safe Standards</li> <li>• Sexual Harassment</li> <li>• Bullying and Harassment</li> <li>• Equal Opportunity</li> <li>• PPE – An Introduction</li> <li>• Dealing Effectively with Difficult Situations</li> <li>• First Aid and CPR Refresher training</li> <li>• Indigenous Cultural Awareness Foundations</li> <li>• Dog behaviour and management</li> <li>• Conflict resolution</li> <li>• Managing challenging behaviour</li> <li>• Mental Health First Aid training</li> </ul>	New Authorised Officer commenced Cert IV in Animal Regulation and Management and Cert IV in Local Government in 2022. The Officer is in the second year of the course. A temporary Authorised Officer (6 month position) has been mentored by senior staff.	Training register to be reviewed annually at staff performance reviews
Maintain training register	As required	Current	Update training register when new training has been identified and when Officers complete training	Completed	2023 staff reviews completed.	Training register to be reviewed annually at staff performance reviews

**OBJECTIVE 2: REVIEW OF INTERNAL PROCESSES WITH STAFF TO ENSURE CONSISTENT APPLICATION OF INVESTIGATION, COMPLIANCE AND ENFORCEMENT PROCESSES**

Activity	When	New/ Current	Evaluation	Outcome	Comments	Next Step
Develop and implement new Animal Enforcement Procedure manual	2024	New	Manual developed and implemented	Manual due for completion in 2024.	Completed review and audit of current procedures and policies to assess any gaps or missing items. Draft document in progress.	Document will be completed in 2024
Review investigation, compliance and enforcement policies and procedures to accommodate legal and other changes to ensure operational and service consistency and legislative requirements are met	Annually – July and as required	Current	Policies, procedures and processes updated and approved training undertaken and officers competent.	<p>Policies and Procedures reviewed in 2023:</p> <ul style="list-style-type: none"> <li>• Dog attack response and investigation</li> </ul>	Current policies will continue being reviewed as they become due via Council's governance system, or as required with changes to legislation.	Continue reviewing current policies and procedures, as required. These will be implemented into the Animal Enforcement Procedure Manual.

**OBJECTIVE 3: ENSURE NEW AUTHORISED OFFICERS HAVE THE SKILLS NECESSARY TO SUPPORT THE COMMUNITY AND EFFECTIVELY PERFORM THEIR REGULATORY ROLE**

Activity	When	New/ Current	Evaluation	Notes	Next Step	
Ensure all new Authorised Officers undertake a detailed induction program with Senior Authorised Officers	Upon appointment of new staff	Current	Complete induction documents and evaluate at 3 month induction review	Completed for new staff member in June 2023.	Senior Authorised Officers are mentoring new staff.	Completed
Identify minimum training requirements for new officers and ensure completion within 12 months of appointment	Within 12 months of appointment	Current	Evaluate at 3/6 month induction reviews and annual performance review.	Completed for new staff member in September 2023.	Training undertaken for new staff members.	Completed

### 3.3 Our plans to promote responsible pet ownership

**OBJECTIVE: PROMOTE 'SAFE CAT, SAFE WILDLIFE' MESSAGING AMONG RESIDENTS**

Activity	When	New/ Current	Evaluation	Outcome	Notes	Next Step
Circulate 'Safe Cat, Safe Wildlife' education material throughout the municipality and promote via social media	March 2022 and then annually	New	Decrease in reports of wandering and nuisance cats	<p><u>2022</u> 4 nuisance cat complaints 154 cat trap requests 45 requests to collect stray/wondering cats</p> <p><u>2023 (as at 5/10/23)</u> 5 nuisance cat complaints 102 cat trap requests 27 requests to collect stray/wondering cats</p> <p>=====</p> <p>Link to Safe Cat, Safe Wildlife website on SHRCC website and included in Facebook post in 2023, information brochures distributed as required.</p>	Link to Safe Cat, Safe Wildlife on SHRCC website and Facebook post October 2023.	Continue promoting Safe Cat, Safe Wildlife and Responsible Pet Ownership messaging in 2024.

**OBJECTIVE: INCREASE EDUCATION ABOUT CAT CONFINEMENT RULES**

Activity	When	New/ Current	Evaluation	Outcome	Notes	Next Step
Increase education about 24 hour cat confinement requirement through media releases, social media, brochures, Council community newsletters	March 2022 then annually	New	Decrease in amount of complaints about cats being at large and reduction in cats trapped	<p><u>2022</u> 4 nuisance cat complaints 154 cat trap requests 45 requests to collect stray/wondering cats</p> <p><u>2023 (as at 5/10/23)</u> 5 nuisance cat complaints 102 cat trap requests 27 requests to collect stray/wondering cats</p> <p>=====</p> <p>Responsible Ownership of Cats brochure developed and distributed to community as required. Social media post on cat confinement, enclosures and trapping completed in April 2022.</p>	Cat Confinement Survey on Lets Talk link on Council's Facebook page on August 10 2023. 70% said Yes to cats should be confined to their property. 30% said no.	Continue promoting cat confinement and responsible cat ownership messaging to the community.

**OBJECTIVE: PROVIDE EDUCATION MATERIALS IN LANGUAGES OTHER THAN ENGLISH**

Activity	When	New/ Current	Evaluation	Outcome	Notes	Next Step
Develop multi-lingual education materials including registration requirements and the difference between registration and microchipping.	February 2022 then annually as required	New	Increase in animal registrations, decrease in nuisance complaints	<p>396 total new animal registrations received in 2023, up from 353 in 2022. In 2022 there were 254 roaming/stray dog complaints and in 2023 (as at 5/10/23) there have been 203.</p> <p>=====</p> <p>Fact sheets on animal registration requirements developed in six different languages and made available on website and in service centres in September 2022, distributed as required.</p>	In Robinvale, the most frequently requested translated fact sheets are Vietnamese and Tongan.	Authorised Officers and Customer Service staff to use fact sheets to communicate with customers as required. Fact sheets to be reviewed annually or as required.

**OBJECTIVE: INCREASE NUMBER OF NEW ANIMAL REGISTRATIONS AND RENEWALS THROUGH EDUCATION AND PROMOTION CAMPAIGNS**

Activity	When	New/ Current	Evaluation	Outcome	Notes	Next Step
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Develop engaging fact sheets on responsible pet ownership and registration requirements.	2022 and ongoing	New	Increase in new registrations and renewals	2604 animals registered with Council to October 2023. This includes 2208 animal renewals and 396 total new animal registrations.	In 2022, Responsible Pet Ownership brochures were sent out with all renewal notices (2800+), and made available at services centres, distributed to pet owners as required i.e. with Unregistered Animal Notifications. Various social media posts in 2023 about registration requirements and links to website.	Review annually and distribute as required.
Create new registration packs and make available at vet clinics to be distributed when pets are microchipped	June 2022 and ongoing	New	Number of new animal registrations received via vet clinic	New registration packs created and delivered to Swan Hill Vet Clinic 2022 and Pye Street Vet Clinic in 2023. It is not possible to know how many registrations were received via the vet clinic.	Robinvale does not have a vet clinic to distribute packs.	Review annually and seek feedback from vet clinics.
Advertise animal registration renewals – website, radio, community newsletters, newspaper ads, social media and media releases	Ongoing	New	Record number of media releases, social media posts, ads and articles	<p><u>Media in 2023:</u></p> <ul style="list-style-type: none"> <li>• 2 x paid advertisements in Swan Hill and Robinvale newspapers</li> <li>• 3 x Media releases sent to all local media (incl. print and radio)</li> <li>• 1 x council website article</li> <li>• 2 x social media posts on registration renewals</li> <li>• 1 x social media post promoting council free microchipping program (incl. free animal registration)</li> <li>• 1 x social media post on Responsible Pet Ownership (incl. registration requirements)</li> <li>• 1 x social media post on half price animal registrations</li> <li>• 1 x social media post on Free Ride Home incentive</li> </ul>	Local radio picked up the animal registration renewals but it is not possible to find out how many times they spoke about the renewals. The renewals were also part of the Mayor's column and radio discussions. Local newspaper ran an article on free microchipping which included information about animal registrations.	Continue promoting animal registrations, renewals and the microchipping program to community annually.
Follow up unpaid animal registration renewals			Reduction in number of phone calls, doorknocks and infringement notices issued	<p>Slight decrease in unpaid animal renewals, with 705 reminder notices sent out in 2023 (down from 713 in 2022). There was also a small decrease in the number of phone calls and door knocks required (2022: 386 / 2023: 362).</p> <p>=====</p> <p>The number of infringements issued for unpaid animal renewals did increase from 52 in 2022 to 72 in 2023.</p>	Common reasons reported to officers on why people hadn't paid their animal renewals included; couldn't afford it due to increase in cost of living, moved house and didn't update contact details, received notice and forgot to pay, animal was deceased and didn't realise that they had to contact Council to report it, and said that they didn't receive the original or reminder notices.	In 2024 investigate opportunities (and costs) to send SMS notifications to all pet owners to check their details prior to renewals being sent.

**OBJECTIVE: INCREASE ONLINE MATERIALS AND PROMOTION**

Activity	When	New/ Current	Evaluation	Outcome	Notes	Next Step
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Increase online education material and promotion in the community about responsibilities of dog owners when walking/exercising their dogs, on leash/off leash areas and the rules, the importance of desexing and cat curfews	2022 and ongoing	New	Material made available online and throughout the community	In 2022 Responsible Pet Ownership brochures were sent out with all renewal notices (2800+), and made available at services centres, distributed to pet owners as required i.e. with UANs. ===== In 2023 there has been an increase in online media regarding responsibilities of a dog owners including Facebook posts and links to webpage about cleaning up after dogs, barking dogs, responsible pet ownership, choosing a pet, confining dogs and animal registrations	Authorised Officers have been patrolling the most frequent areas where we receive reports of dogs off leash providing education to the community.	Continue promoting Responsible Pet Ownership to the community.
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**4.2 Our plans to address over population and euthanasia**

OBJECTIVE: REDUCE THE EUTHANSIA RATES OF CATS BY 5%

Activity	When	New/ Current	Evaluation	Outcome	Notes	Next Step
Continue to encourage desexing of animals and promote new low cost desexing program a through website, local media and social media	Ongoing	New	Reduction in feral cats trapped and euthanased	91 wild and uncontrollable cats were euthanased in 2023 (to 31/10/23) compared to 75 in 2022. ===== In 2022 there were 154 cat trap requests and in 2023 there have been 102 requests (as at 5/10/23).		Continue to promote No Interest Loans Scheme to pet owners.
			Number of desexing vouchers redeemed	In the 2022/23 financial year 41 cats were desexed. 17 were male cats and 24 were female cats. 14 of the female cats were pregnant or in season. The low cost desexing program is currently on hold pending more funding.	Desexing program (and NILS program) was also promoted by officers within the Regulatory Services team directly to customers when discussing registration.	
Continuance of Section 84Y agreements with approved animal rescue organisations	Ongoing	Current	Reduction in cats euthanased	200 cats have been collected/impounded in 2023 (to 31/10/23). 25 cats were returned to their owner, 84 were sent to rescue groups under section 84Y agreements. 91 wild and uncontrollable cats were euthanased at 31/10/23	100% of all suitable unclaimed cats that entered our pound were sent to rescue groups to find new homes.	Authorised Officers continue to work with our rescue partners under Section 84Y agreements to rehome unclaimed domestic cats.
Develop and distribute education material about cat enclosures and nuisance issues to cat owners	July 2022 and ongoing	New	Reduction in cats euthanased	91 wild and uncontrollable cats were euthanased in 2023 (to 31/10/23). 75 were euthanased in 2022.	In 2022, Responsible Pet Ownership brochures were sent out with all animal registration renewals (2800+) and social media campaigns. Information on cat enclosures and responsible pet ownership is distributed by AO's as required. Safe Cat, Safe Wildlife social media in October 2023. 20% increase on cats euthanased in 2023, this may be due to more cat traps been loaned.	Continue promoting cat confinement, Safe Cat, Safe Wildlife and Responsible Pet Ownership to community.
Circulate 'Safe Cat, Safe Wildlife' education material throughout the municipality and promote via social media	March 2022 and then annually	New	Decrease in reports of wandering/nuisance cats	<u>2022</u> 4 nuisance cat complaints 154 cat trap requests 45 requests to collect stray/wondering cats <u>2023 (as at 5/10/23)</u> 5 nuisance cat complaints 102 cat trap requests 27 requests to collect stray/wondering cats ===== Social media campaign about the Safe Cat, Safe Wildlife in 2023 and articles on SHRCC website.	Most recent social media post October 2023	Continue promoting cat confinement, Safe Cat, Safe Wildlife and Responsible Pet Ownership to community.



Investigate funding opportunities to improve cat adoption rates within the municipality i.e. funding to contribute to desexing costs, bedding etc.	2022	New	Increase in animals adopted within the municipality	There was one cat adopted from our pound in 2023 compared to zero in 2022. There was one cat adopted into our municipality via an external organisation.	The desexing program funding will cease this year, however officers are investigating further opportunities to partner with a rescue group to offer and/or promote a low or no cost desexing program in 2024.	Investigate future funding opportunities.
Conduct community consultation through online survey to gain feedback on the introduction of mandatory desexing of cats in the municipality	2023	New	Community feedback received, report to Council	N/A	N/A	Community consultation to be conducted in December 2023 in conjunction with cat curfews.

**OBJECTIVE: EDUCATE PET OWNERS TO KEEP MICROCHIP AND REGISTRATION DETAILS UP TO DATE**

Activity	When	New/ Current	Evaluation	Outcome	Notes	Next Step
Promotion campaign of keeping contact details up to date and change of ownership for microchips	2022 and ongoing	New	Increase in animals being reunited with owners before being impounded	52 dogs have been reunited with their owners in 2023 (to 31/10/23), compared to 68 in 2022. It is anticipated the dog figures will be similar by the end of the year. 25 cats have been reunited with their owners in 2023 (to 29/9/23), compared to 8 cats in 2022. The increase in cats being reunited is due to more cats being identifiable (registration and/or microchip). ===== There was a promotion campaign in 2022 about keeping details up to date. In 2023 there have been several Facebook posts tying into the free microchipping day promotions (e.g. keep your details up to date (x2 posts in 6 months), free microchipping day, animal registration, free ride home incentive etc.	Officers also monitor the community Lost and Found Pets Facebook pages in Swan Hill and Robinvale. These pages are very helpful in finding the owners of animals that are not microchipped or when owners details are not up to date on the microchip database.	Continue promoting Responsible Pet Ownership to community. In 2024, investigate opportunities (and costs) to send SMS notification to all pet owners to check their details prior to renewals being sent and link to 'update details' section on website.
Include information on how to update animal owner details on website, renewal notices, SMS notifications	2022 and ongoing	New	Increase in animals being reunited with owners before being impounded	In 2022 68 dogs (50%) and 8 cats (3%) were returned to owners. In 2023 52 dogs (40%) and 25 cats (12%) have been returned to owners as at 31/10/23. ===== Information about keeping details up to date is included on Council's website and on renewal notices. There have also been several social media posts in 2023.	The renewal form has been updated to highlight the process of updating owner details if incorrect.	Continue promoting Responsible Pet Ownership to community. In 2024, investigate opportunities (and costs) to send SMS notification to all pet owners to check their details prior to renewals being sent and link to 'update details' section on website.

**5.3 Our plans for registration and identification**

**OBJECTIVE: INCREASE THE AMOUNT OF DOG AND CAT REGISTRATIONS IN THE MUNICIPALITY BY 5%**

Activity	When	New/ Current	Evaluation	Outcome	Notes	Next Step
Improve the accuracy of Council's pet registration database by contacting Central Animal Records on a quarterly basis and obtaining details of all pets microchipped in the municipality	January 2022 and ongoing	New	Record number of Unregistered Animal Notifications issued and increase in new animal registrations received.	CAR microchip database cross-checked in March and June 2022 and October 2023. In 2023 the 50 follow up phone calls resulted in 10 new animal registrations	Completed - October 2023	In 2024 continue cross checking the data from Central Animal Records with our registration system.
Check that all animals are listed on Council's pet registration database and follow up non-compliance						
Implement incentive program 'A free ride home' - Rangers to adopt a free ride home approach to registered and microchipped animals found	March 2022	New	Promotion included in radio advertising, Council website and social media	Social media in October 2023, and promoted in Responsible Pet Ownership brochures. Officers also promoting verbally to the community.	Officers informally promoting to community members in	Continuing promoting 'A Free Ride Home' and

wandering for the first time that have not caused a nuisance	and ongoing		Feedback received.	35 likes and 12 shares on Facebook.	person and over the phone.	animal registration to community.
			Increase in new registrations	396 new registrations in 2023. up from 353 in 2022.		
Develop online animal registration payments capability through Council's website and link to animal registration database	January 2022 and ongoing	New	Increase in new registrations	396 new registrations in 2023. up from 353 in 2022.	Informal community feedback included that the payment process is easier and more convenient. Customers liked being able to complete the registration and payment when it suited them, namely after work when they had more time.	Online payments capability now complete.
			Community feedback received	Online animal registration payments completed in May 2022. Informal community feedback received by administration staff and officers has been positive.		
Advertise animal registration renewals – website, radio, community newsletters, newspaper ads, social media and media releases	Ongoing	New	Record number of media releases, social media posts, ads and articles	<p>Media in 2023:</p> <ul style="list-style-type: none"> <li>• 2 x paid advertisements in Swan Hill and Robinvale newspapers</li> <li>• 3 x Media releases sent to all local media (incl. print and radio)</li> <li>• 2 x council website articles</li> <li>• 2 x social media posts on registration renewals</li> <li>• 1 x social media posts promoting council free microchipping program (incl. free animal registration)</li> <li>• 1 x social media post on Responsible Pet Ownership (incl. registration requirements)</li> <li>• 1 x social media post on half price registrations</li> <li>• 1 x social media post on Free Ride Home incentive</li> </ul>	Local radio picked up the animal registration renewals but it is not possible to find out how many times they spoke about the renewals. The renewals were also part of the mayors column and radio discussions. Local newspaper ran an article on free microchipping which included information about animal registrations.	Continue promoting animal registrations, microchipping and renewals program to community.
Follow up unpaid animal registration renewals			Reduction in number of phone calls, doorknocks and infringement notices issued	Slight decrease in unpaid animal renewals, with 705 reminder notices sent out in 2023 (down from 713 in 2022). There was also a small decrease in the number of phone calls and doorknocks required (2022: 386 / 2023: 362). The number of infringements issued for unpaid animal renewals did increase from 52 in 2022 to 72 in 2023.	Common reasons reported to officers on why people hadn't paid their animal renewals included; couldn't afford it due to increase in cost of living, moved house and didn't update contact details, received notice and forgot to pay, animal was deceased and didn't realise that they had to contact Council to report it, and said that they didn't receive the original or reminder notices.	Investigate opportunities (and costs) to send SMS notification to all pet owners to check their details prior to renewals being sent.
Ensure all impounded animals are microchipped and registered prior to release	Ongoing	Ongoing	Number of animals registered	51 dogs and 84 cats have been rehomed in 2023 (to 31/10/23), compared with 56 dogs and 138 cats in 2022. 52 dogs and 25 cats have been returned to owners in 2023.	All animals must be registered and microchipped prior to release from the pound and/or rescue group under the 84Y agreements.	Ongoing
Issuing of Unregistered Animal Notifications for unregistered animals and enforcement action for non-compliance	Ongoing	Ongoing	Number of animals registered, infringements issued, prosecutions	In 2023 (as at 31/10/23), 37 UANs issued, 1 prosecution, 76 infringements for failure to register/renew have been issued .	The UAN Books have been a good initiative as its allows the Authorised officer to give the customer a physical on the spot reminder for when the animal registration is due. The next step is to investigate the possibility of adding a module into Authority to automatically run a monthly report instead of physically running a report to follow up on the outstanding UAN's .	Ongoing
Annual free microchipping program	Ongoing	Ongoing	Number of new animal registrations	In 2023 Swan Hill had 22 people take up the free microchipping and Robinvale had one. This resulted in 23 new registrations.	Completed in April 2023 in Swan Hill and Robinvale. Currently Robinvale's Authorised Officer position is vacant, once appointment the free microchipping program will be held again.	Continue to offer microchipping program in Swan Hill and Robinvale annually.
Half price registrations 1 October-31 December	Ongoing	Ongoing	Number of new animal registrations	57 new registrations to 2/11/23	Half price registrations promoted on social media page with link to councils website and registration form (October 2023).	Half price registration will continue to be offered annually and promoted to community on social media.

Ensure animals adopted through other agencies such as the RSPCA and Lost Dogs Home into our municipality have been registered.	Ongoing	Ongoing	Number of new animal registrations	3 notifications followed up and 2 registrations	3 notifications received in 2023 as at 4/10/23. 1 already registered and two follow ups, both complied and registered animals	Continue following up animal adoption notifications from external agencies.
Publicise the Swan Hill Neighbourhood House 'No Interest loans scheme' for animal registrations	2022 and ongoing	New	Number of vouchers redeemed and new animal registrations	Two NILS vouchers used in 2023. Social media post promoting NILS program and linking to Swan Hill Neighbourhood House info page on 10/10/22. In 2023 Regulatory Services staff have promoted the program to pet owners who needed assistance.	NILS loans can be used for registration and desexing	Continue to promote NILS scheme to community.
Research opportunities to increase registration and renewal levels and implement appropriate initiatives	2023	New	Number of new registrations	Number of new animal registrations has increased in 2023 (396), compared to 353 in 2022.		
Research ways to simplify, automate and improve access to animal registration and renewal.	2022 and ongoing	New	Number of new registrations and renewals	396 new registrations and 2208 renewals received in 2023. Online payments now available for customers, as well as improvements made to the online registration form to simplify the process for uploading documents. E-notices are offered for registration renewals direct to email.	Continuing to work with Civica/Authority and our Council IT team to improve our customer experience for animal registrations, renewals and payments.	Investigate further options to simplify, automate and improve customer experience. Investigate SMS reminders for animal renewal notices.
Conduct feasibility study on the benefits of rewarding those who have invested in their pets (desexing, obedience training etc.) to receive an even lower registration fee.	2024	New	Number of new registrations and renewals	N/A	Officers will investigate in 2024. Investigations will include budget constraints, comparisons with other councils, etc.	Options for animal registration fees to be considered prior to October 2024 when fees and charges budgets are submitted to Council for approval.

**OBJECTIVE: EDUCATE COMMUNITY ABOUT THE IMPORTANCE OF ANIMAL REGISTRATION**

Activity	When	New/ Current	Evaluation	Outcome	Notes	Next Step
Develop multi lingual fact sheets explaining the importance of registration and the difference between registration and microchipping.	February 2022 and ongoing	New	Increase in new registrations, in particular in the Robinvale area	In 2023, 21 new animal registrations were received in Robinvale. There has been a slight decrease from 2022 where 27 new animals were registered in Robinvale.	Authorised Officers and Customer Service staff to use fact sheets to communicate with customers as required. Feedback from Robinvale Officer that the fact sheets are already having positive impact. Vietnamese and Tongan language fact sheets have been the most popular tool.	Fact sheets to be reviewed annually and then as required.
Increase the distribution of information on Responsible Pet Ownership through media releases, website, social media, brochures, Council community newsletters	2022 and ongoing	New	Record number of media releases, visits to webpage, social media posts and articles in local media	In 2023, 3 media releases and 9 social media posts. There has been an increase in visits to animal pages with 769 visits in 2023 (to 2/10/23) compared to 609 in 2022.	In 2022 Responsible Pet Ownership brochures were sent out with all renewal notices (2800+), and made available at services centres, distributed to pet owners as required i.e. with UANs and various social media posts throughout the year. In 2024 we will explore different messaging to be distributed about Responsible Pet Ownership.	Continue to monitor number of visits to our registration and pet ownership website pages every year.
Create new registration packs and make available at vet clinics to be given out when pets are microchipped	June 2022 and ongoing	New	Number of new animal registrations received via vet clinic	New registration packs created and delivered to Swan Hill Vet Clinic in 2022 and Pye Street Vet Clinic in 2023. It is not possible to know how many registrations were received via the vet clinic.	Robinvale does not have a vet clinic to distribute packs.	Review annually and seek feedback from vet clinics.

**6.3 Our plans for nuisance animals**

**OBJECTIVE: REDUCE CAT NUISANCE COMPLAINTS BY 5%**

Activity	When	New/ Current	Evaluation	Outcome	Notes	Next Step
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Increase education about 24 hour cat confinement requirement through media releases, social media, brochures, Council community newsletters	March 2022 then annually	New	Decrease in amount of complaints about cats being at large and reduction in cats trapped	<p><b>2022</b> 4 nuisance cat complaints 154 cat trap requests 45 requests to collect stray/wondering cats</p> <p><b>2023 (as at 5/10/23)</b> 5 nuisance cat complaints 102 cat trap requests 27 requests to collect stray/wondering cats</p> <p>=====S ocial media post on cat confinement, enclosures and trapping in April 2022. Responsible Ownership of Cats brochure developed (includes information on enclosures and preventing cats from wandering), distributed by Officers, as required.</p>	Education sessions will be held in conjunction with community consultation sessions for cat curfews.	Continue promotion of Responsible Ownership of Cats and requirement for cats to be confined to their properties. Continue promotion of Safe Cat, Safe Wildlife.
Develop a cat trap hire procedure and promote the availability of cat traps	February 2022 and ongoing	New	Procedure developed, requests for cat traps	Cat Trap Hire procedure completed in October 2022. Cat trap hire requests can be submitted online via Council's website. In 2022 there were 154 requests for cat traps and in 2023 (as at 5/10/23) there have been 102. It is anticipated the figures at the end of the year will be similar to 2022.	Online cat trap requests are popular with residents.	Review Cat Trap Hire procedure as required. Continue promotion of online cat trap requests.
Conduct community consultation through online survey to gain feedback on the introduction of mandatory desexing of cats in the municipality	2023	New	Community feedback received, report to Council	Will be incorporated with cat curfew consultation in November/December 2023	Currently researching rules with other Victorian Councils.	Community consultation will commence in late 2023 and be reports finalised in 2024
Develop and distribute education material about cat enclosures and nuisance issues to cat owners	July 2022 and Ongoing	New	Decrease in cat nuisance complaints	<p><b>2022</b> 4 nuisance cat complaints 154 cat trap requests 45 requests to collect stray/wondering cats</p> <p><b>2023 (as at 5/10/23)</b> 5 nuisance cat complaints 102 cat trap requests 27 requests to collect stray/wondering cats</p> <p>=====S ocial media post on cat confinement, enclosures and trapping in April 2022. Responsible Ownership of Cats brochure developed that includes information on enclosures and preventing cats from becoming a nuisance.</p>	Online cat trap requests are popular with residents. Officers are distributing Responsible Cat Ownership brochures to pet owners as required.	Continue promotion of Responsible Ownership of Cats and the requirement for cats to be confined to their properties. Continue promotion of Safe Cat, Safe Wildlife campaign.
Continue to encourage desexing of animals and promote new low cost desexing program. Continue to promote low cost desexing program through website, local media and social media	Ongoing	Current	Number of vouchers redeemed	In the 2022/23 financial year 41 cats were desexed. 17 were male cats and 24 were female cats. 14 of the female cats were pregnant or in season. The low cost desexing program is currently on hold pending more funding.	The desexing program funding will cease this year, however officers are investigating further opportunities to partner with a rescue group to offer and/or promote a low or no cost desexing program in 2023.	
Purchase additional cat traps and cat carriers	2022	New	Traps purchased	5 cat carriers purchased 2022.	Nothing required in 2023	Completed

**OBJECTIVE: REDUCE DOG NUISANCE COMPLAINTS BY 5%**

Activity	When	New/ Current	Evaluation	Outcome	Notes	Next Step
Develop a procedure for barking dog complaints	2022	New	Procedure developed. Decrease in need for enforcement action	Postponed to floods/mosquito response in 2022	Procedure will now be incorporated into the Animal Enforcement Procedure Manual	Procedure manual due for completion in 2024

Continually look for opportunities to improve signage in areas where dogs must be on leash and in areas where dogs are prohibited (such as playgrounds) throughout the municipality and update as required	Ongoing	Current	Number of inspections, signage updated as required	in 2022 there were two complaints dogs being walked off leash and 2023 (as at 5/10/23) there have also been two. =====	Signage reviewed, new mapping system Pozi has all the dog bag locations listed, reviewed October 2023.	Continue inspections during patrols.
Monitor compliance at the off leash dog park in Swan Hill	Ongoing	Current	Compliance with dog park rules, reduction in complaints	Officers inspect dog park weekly and speak with pet owners during those visits. =====	Stage 2 of the Dog Park is underway. Installation of shade structures and agility equipment installed the start 2024.	Continue inspections during patrols. Continue promotion of Responsible Pet Ownership during these visits.
Investigate options of establishing off leash dog parks in other areas of the municipality	2022	New	Community consultation, report completed	Community consultation completed in Robinvale as part of the Robinvale Riverfront Masterplan. An appropriate site was not identified as part of the masterplan, but it remains on the community wish list.	Other works taking priority in Robinvale Riverfront Masterplan for now. If funding becomes available for dog parks this may elevate the dog park on the communities wish list. The Robinvale Dog Park has been listed in the 10 year Major Projects plan fro 2029.	Investigate funding opportunities for off leash dog park in Robinvale.
Investigate options and seek community feedback on establishing timed off leash sessions in areas throughout the municipality	2024	New	Community consultation, report completed	Action put on hold due to the floods/mosquito response. This action will be completed in 2024.	Officers diverted to mosquito response activities in late 2022/early 2023. Project moved to 2024.	Complete action in 2024
Educate the community through social media, website and local media about the requirement for owners to clean up after their dogs and availability of dog waste bags	Ongoing	Current	Decrease in amounts of complaints regarding dog faeces	No complaints regarding dog faeces received in 2022, there has been one complaint received in 2023. =====	One complaint to council officers, however anecdotal evidence from Council's Parks and Gardens Team that they are finding dog faeces on footpaths and parklands.	Continue promotion of the importance of cleaning up after pets when walking and/or attending the dog park.
Inspect nature reserves throughout the municipality to determine if dogs should be banned in those areas	2023/4	New	Community consultation, report completed	N/A	This will link this with the timed off leash dog sessions investigation and consultation.	Complete action in 2024
Educate the community through social media, website and local media about responsible dog ownership and ways to minimise dogs barking	Ongoing	Current	Decrease in amount of complaints regarding barking dogs	There has been an increase in barking dog complaints. In 2023 (as at 5/10/23) there have been 28 complaints received, compared to 20 in 2022. =====	Social media post about barking dogs in February 2023.	Continue promotion of Responsible Pet Ownership and ways to reduce dog barking.
Educate the community through social media, website and local media about required to keep dogs confined to their properties	Ongoing	Current	Decrease in amount of wandering dog complaints	There were 254 roaming dog complaints received in 2022. In 2023 (as at 5/10/23), there have been 203 complaints received. =====	Officers are continuing education with repeat offenders and following up with enforcement action where required. Social media campaign regarding keeping dogs contained and responsible pet ownership was completed in January 2023.	Review of the Barking Dog packs completed.  Continue promotion of Responsible Pet Ownership.

Increase information on the website about Local Law requirement - all dogs must be on a leash unless in a designated off-leash area and responsibilities of dog owners when walking /exercising their dogs	2022	New	Decrease in complaints about dogs off-leash causing a nuisance	In 2022 there were two complaints about dogs being walked off leash and in 2023 (as at 5/10/23) there have also been two. =====T wo social media posts in 2023 relating to keeping dogs on leads. Installation of new signage along new walking paths.	3 new dog bag dispensers installed on new McCallum Street Path, request for dog on lead stencil to go path.	Continue promotion of Responsible Pet Ownership and keeping dogs on leash unless within the dog park.
Purchase additional dog waste bag dispensers for rural towns	2022	New	Dispensers installed and reduction in complaints	Six new dog waste dispenses installed in 2023.	New mapping system Pozi has all the locations and brochure updated in October 2023. Public have access to Interactive Map via Council's website.	Review locations in 2024 and update map/brochure as required
Purchase additional dog trap for Robinvale	2022	New	Trap purchased and nuisance dogs trapped	Dog trap currently being shared between Swan Hill and Robinvale. There is no longer a need to purchase an additional trap.	Dog trap currently in Robinvale.	Will purchase new dog trap when required.
Provide advice to owners of pets with behavioural issues	Ongoing	Current	Disputes/issued resolved	Officers educate community members when they are responding over the phone and in person on how to resolve their disputes.	Ongoing	Continue working with pet owners to educate them on dealing with behavioural issues.

**7.4 Our plans to minimise dog attacks**

**OBJECTIVE: CONDUCT AWARENESS CAMPAIGN FOR BOTH LIVESTOCK OWNERS AND DOG OWNERS ABOUT THE CONSEQUENCES FOR DOGS FOUND IN PADDOCKS WITH LIVESTOCK**

Activity	When	New/ Current	Evaluation	Outcome	Notes	Next Step
Use media releases and social media to educate dog owners on the importance of confining dogs to their rural properties. Inform dog owners that dogs can be destroyed if found in livestock paddocks and owners prosecuted and potential claims for compensation of lost stock	March-May annually	New	Decrease in reports of dogs found in livestock paddocks	<u>2022</u> Six reports of dogs found near livestock Four dog attacks against livestock <u>2023 (as at 30/9/23)</u> Eight reports of dogs found near livestock One dog attack against livestock. Social media post in January 2023 reminding owners to keep dogs confined to their properties.	There has been a decrease in dog attacks against livestock in 2023. 38 dogs were removed from the one property after a dog attack on sheep investigation. Council, VicPol and RSPCA joint seizure resulted in 33 dogs taken by the RSPCA and 5 dogs seized by Council.	Continue promotion of Responsible Pet Ownership.

**OBJECTIVE: IMPROVE REPORTING OF DOG ATTACKS**

Activity	When	New/ Current	Evaluation	Outcome	Notes	Next Step
Improve community awareness through media releases, social media and website of what a dog attack is and how to report it to Council	2022 and ongoing	New	Number of dog attacks reported	<u>2022</u> 26 dog attacks reported 16 were actual dog attacks <u>2023</u> 24 dog attacks reported 17 were actual dog attacks	In 2023 there has been a decrease in dog attacks against livestock and cats but increase in dog attacks against people and other dogs.	Continue community awareness campaigns regarding dog attacks
Investigate and recommend alternatives for the community to report dog attacks i.e. The Dangerous Dog Hotline	2022 and ongoing	New	Number of notifications from external agencies	No external notifications received in 2023.	Dangerous Dog Hotline number listed in our Responsible Dog Ownership Brochure. We prefer direct notifications at the time of the attack so that we can gather all information and investigate in a timely manner.	Continue to record number of external notifications
Improve information on Council website relating to dog attack investigations and reporting and develop an online reporting platform	2022 and ongoing	New	Online reporting tool developed and number of dog attacks reported	24 dog attacks reported in 2023.	No longer implementing an online reporting tool. Delays in reporting attacks has inhibited many investigations in 2023. Reports of dog attacks can be taken 24/7 over the phone by trained officers.	Website information has been reviewed.

**OBJECTIVE: REDUCE NUMBER OF DOG ATTACKS**

Activity	When	New/ Current	Evaluation	Outcome	Notes	Next Step
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Publicise key dog attack prevention messages such as laws regarding registration, confinement of dogs to property, on leash in public areas through website, social media and community newsletter	Ongoing	Current	Decrease in number of dog attacks	26 dog attacks reported in 2022 and 24 (up to 30/9/23) in 2023.	In 2023 there has been a decrease in dog attacks against livestock and cats but increase in dog attacks against people and other dogs. The Guardian Article 'Puppy Attack Nightmare' about a dog attack on Friday 20/10/2023.	Continue to publicise key dog attack messages
Improve community awareness of dog attacks and the consequences for owners if their dog attacks another animal or person	Ongoing	Current	Decrease in number of dog attacks	26 dog attacks reported in 2022 and 24 (up to 30/9/23) in 2023.	In 2023 there has been a decrease in dog attacks against livestock and cats but increase in dog attacks against people and other dogs. Social Media campaign for December 2023 scheduled.	Continue community awareness campaigns regarding dog attacks
Education campaign via social media and website regarding dog behaviour and what powers Council has to enforce	Ongoing	New	Decrease in number of dog attacks	26 dog attacks reported in 2022 and 24 (up to 30/9/23) in 2023.	In 2023 there has been a decrease in dog attacks against livestock and cats but increase in dog attacks against people and other dogs. Social media campaign for scheduled for December 2023.	Continue community awareness campaigns
Increase patrols of high risk locations	2022 and ongoing	New	Number of patrols	Number of patrols are not recorded.	Patrols are conducted at random in between jobs. Additional patrols in locations where dogs are reported to roam and locations where previous dog attacks have been reported.	Continue patrols
Publicise dog attack prosecutions through media releases, social media and website articles	Ongoing	Current	Decrease in number of dog attacks	26 dog attacks reported in 2022 and 24 (up to 30/9/23) in 2023. No dog attack prosecutions in 2023.	The Guardian article 'Puppy Attack Nightmare' about a dog attack on Friday 20/10/2023 discussed dog attacks, prosecutions statistics and education on what to do if people are in a similar situation.	Continue to publicise dog attack prosecutions when they occur

### 8.3 Plans for Dangerous, Menacing and Restricted Breed dogs

#### OBJECTIVE: ENSURE DECLARED DOGS ARE COMPLIANT TO RELEVANT LEGISLATION AND REGULATIONS

Activity	When	New/ Current	Evaluation	Outcome	Notes	Next Step
Conduct random property inspections of declared dogs to ensure compliance.	Bi-Annually	Current	Record number of inspections. Compliance with requirements	One inspection per property completed in 2023. All properties complied with their declaration requirements.	Only one inspection completed in 2023 instead of two inspections. This was due to time constraints/staff shortages. Bi-annual inspections will be completed in 2024 and future years.	Bi-annual inspections to be completed in 2024 and ongoing.
Enforcement of non-compliance of declared dogs	As required	Current	Prosecutions undertaken as required	N/A		Complete when required.
Continue to declare dogs as Restricted Breed, Dangerous or Menacing in accordance with legislation.	Ongoing	Current	Number of dogs declared	No dogs were declared as Dangerous in 2023. There was one dog declared as Menacing. There are no known restricted breed dogs.		Continue following enforcement processes as required.
Investigate complaints about Menacing, Dangerous or Restricted Breed Dogs	Ongoing	Current	Number of complaints investigated	No complaints received in 2023 about declared dogs.		Investigate any complaints received.

#### OBJECTIVE: ENSURE AUTHORISED OFFICERS WORK CONSISTENTLY AND FAIRLY WHEN DECIDING WHETHER OR NOT TO DECLARE A DOG DANGEROUS, MENACING OR RESTRICTED BREED

Activity	When	New/ Current	Evaluation	Outcome	Notes	Next Step
Develop a procedure relating to dealing with dangerous and declared dogs	2022	New	Procedure developed	Postponed to floods/mosquito response in 2022.	Procedure will now be incorporated into the Animal Enforcement Procedure Manual	Procedure manual due for completion in 2024
Authorised Officers to undertake training to identify Restricted Breed dogs	When available	Current	Training completed	Existing officers have completed this training in recent years. Two new officers to complete the training when it becomes available.		Investigate upcoming training opportunities for new officers.

### 9.3 Our plans for Domestic Animal Businesses

#### OBJECTIVE: IDENTIFY UNREGISTERED DOMESTIC ANIMAL BUSINESS OPERATORS

Activity	When	New/ Current	Evaluation		Notes	Next Step
Improve public awareness of what a DAB is via social media and website	2022 and annually	New	Number of social media posts and website updates	Domestic Animal Business social media post was completed in December 2022. Website was reviewed in 2023.	Ongoing social media campaign via councils website and Facebook posts	Continue community education of domestic animal businesses.
Follow up possible DABs identified during property inspections and/or notifications from public	Ongoing	Current	Investigations completed	N/A	Ongoing process	Investigate as required.
Investigate all businesses that should be registered as a DAB – check media sources/social media for advertisements	Ongoing	Current	Investigation completed and business registered, if applicable	Social media and online research completed in 2023. No new businesses.	2023 review conducted, no new businesses found to be operating.	Continue education and enforcement as required for DABs that have failed to register with Council.
Liaise with planning department to ensure all new planning enquires for animal related businesses are flagged with Regulatory Services	Ongoing	Current	Number of businesses referred	No businesses referred in 2023. Planning team aware of requirements for referral.	2023 review conducted, no new businesses found to be operating.	Investigate as required.
Inspect properties with excess animal permits to ensure they don't have more than 3 fertile female dogs	Ongoing	Current	Inspections completed	Inspections of all properties with excess animal permits completed in May 2023. All were compliant.	Completed for 2023.	Completed

**OBJECTIVE: ENSURE ALL DOMESTIC ANIMAL BUSINESSES ARE REGISTERED AND COMPLIANT WITH LEGISLATION**

Activity	When	New/ Current	Evaluation		Notes	Next Step
Conduct annual audits of DABs to ensure compliance with legislation and relevant Code of Practice	Annually	Current	Audits completed and compliance achieved	Inspections of all DABs completed in May 2023. All DABs were compliant with the Act.	Completed for 2023.	Inspect all DABs annually
Ensure Council pound processes reflect best practice standards	Annually	Current	Review pound policy and procedures	Completed review of all policies and procedures that were due for renewal in 2023.	Completed for 2023.	Continue reviewing current policies and procedures, as required. These will be implemented into the Animal Enforcement Procedure Manual.
Review Health Management Plan for Swan Hill and Robinvale animal pounds	Every 3 years	Current	Review completed September 2023			Completed

**10.2 Our plans for Emergency Management**

**OBJECTIVE: ENSURE CONSIDERATION IS GIVEN TO THE MANAGEMENT OF DOMESTIC ANIMALS IN AN EMERGENCY**

Activity	When	New/ Current	Evaluation	Outcome	Notes	Next Step
Review animal management functions in the MEMP, including contact lists	Annually	New	Review and submit report to Emergency Management Planning Committee.	Desktop review completed at start of the 2022 flood emergency. All contact details correct and holding facilities checked.	Purchase of additional supplies and equipment to ensure the animals were safe and well cared for during the flood event.	Completed
Provide information via website and social media to assist pet owners in an emergency	As required	New	Website updated and social media posts.	Completed in October and November 2022 as part of flood emergency.	Additional posts to be scheduled as required on social media, website and traditional media.	Provide information as required.

<p>Ensure Authorised Officers are trained to manage domestic animals in an emergency.</p>	<p>When available</p>	<p>New</p>	<p>Training completed</p>	<p>Flood emergency in October / November 2022. Existing staff who have worked in previous emergencies completed informal training with new officers. Internal training of officers to be formalised and training for managing domestic animals in emergencies to be investigated. Mental Health Aid Training undertaken in October 2023 to help improve knowledge and skills when assisting people in emergency situations.</p>	<p>17 displaced cats and dogs were looked after during the flood event.</p>	<p>Investigate formal training for managing domestic animals in emergencies.</p>
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# Domestic Animal Management Plan

2022-25



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## 1. Introduction and context

### 1.1 Introduction

The aim of the Swan Hill Rural City Council 2022-2025 Domestic Animal Management Plan (DAMP) is to ensure the effective management of domestic animals. Council aims to provide a safe and harmonious environment for all whilst promoting responsible pet ownership across the municipality.

The plan identifies Council's responsibilities for education and compliance and provides a framework for Council on how it will effectively manage its statutory responsibilities associated with domestic animal management.

This plan will be reviewed annually and implemented over a four-year period.

### 1.2 Legislation

Under the provisions of the Domestic Animal Act 1994 all councils in Victoria are required to develop and implement a Domestic Animal Management Plan every four years.

The Act requires councils to show how they will address requirements relating to;

- evaluating the effectiveness of their animal management services;
- the promotion and encouragement of responsible pet ownership;
- the training of Authorised Officers;
- ensuring that people comply with the Act, the Domestic Animal Regulations 2015 (the Regulations) and any related legislation;
- minimising the risk of dog attacks;
- addressing any over-population and high euthanasia rates for dogs and cats;
- ensuring the registration and identification of dogs and cats;
- minimising the potential for dogs and cats to create a nuisance;
- effectively identifying all dangerous dogs, menacing dogs and restricted breed dogs within the municipality and to ensure that those dogs are kept in compliance with the Act and the regulations;
- the annual review and amendment of the DAMP where necessary;
- the review of policies, Council local laws and orders made under the Act; and
- to have plans in place in the event of an emergency.

### 1.3 Purpose of our plan

The overall purpose of the 2022-2025 DAMP is to create an environment where people and pets can peacefully and safely co-exist within the community and where pet owner's activities and those of their pets do not adversely affect the rest of the community or environment. By implementing this plan Council will endeavour to provide a service that meets both community expectations and addresses our statutory obligations by;

- Documenting current processes and practices in relation to our animal management responsibilities.
- Minimising non-compliance with the Domestic Animals Act 1994.
- Increasing pet owner's knowledge of the principles of responsible pet ownership, enhancing community safety and improving awareness of the benefits of annual registration.
- Supporting the Regulatory Services team to achieve the stated objectives of reducing the numbers of dogs and cats being impounded and euthanased.
- Maximising the numbers of dogs and cats that are registered.
- Ensuring Authorised Officers are suitably trained to carry out their duties effectively.



- Communicating to the broader community about the education and enforcement actions Council undertakes.
- Reducing the harmful effects of domestic animals on the population of native birds, mammals and reptiles.
- Consulting with the broader community and taking their views on animal management matters into account.
- Complying with the relevant provisions of the Domestic Animals Act 1994.

## 1.4 Development

This plan has been developed through consultation with the community and key stakeholders including veterinarians, animal businesses and other service providers. The objectives are also based on the outcomes and learnings from our two previous domestic animal management plans, as well as a review of our existing data in areas such as nuisance complaints, dog attacks, registrations and impounded animals.

### Community consultation

Prior to the development of the draft plan, community consultation was undertaken in June and July 2021 over a five-week period via an online survey. In addition to the survey, Council held four community information sessions.

The survey was advertised on Council's website, social media and in local media. Hard copies of the survey were also made available at Council's service centres, local veterinary clinics and at the community information sessions.

Council received 196 survey responses. The key issues identified were:

- Additional dog parks and off-leash areas throughout the municipality.
- Reducing the number of stray and wandering cats and nuisance complaints.
- Promotion of the importance of desexing and availability of low cost desexing programs.
- Increased promotion about responsible pet ownership and availability of educational material and online resources.

This community feedback helped Council form the draft Domestic Animal Management Plan and our objectives for the next four years.

Community consultation for the draft plan was undertaken over a four-week period in September-October 2021. Residents were encouraged to provide feedback on the plan and the proposed objectives. Advertisements were placed on Council's website, social media and local media. Residents were encouraged to provide a written submission or feedback via Council's website. Hard copies of the draft plan were also available at Council's service centres and veterinary clinics.



## 1.4 Demographic profile of the Swan Hill municipality

Swan Hill is located 339 kilometres northwest of Melbourne, on the south bank of the Murray River in Victoria.

Swan Hill Rural City Council has a population of 20,584 people according to the 2016 Australian Bureau of Statistics Census data. It is principally an agricultural and horticultural region of 6,116 km<sup>2</sup>, bordered by the Murray River which is the water source for irrigation, domestic, industry, and recreational pursuits. The municipality consists of two large service centres, being Swan Hill and Robinvale, and a number of smaller towns including Lake Boga, Manangatang, Beverford, Nyah, Nyah West, Piangil, Ultima, Woorinen and Woorinen South. The predominant employment sectors are agriculture, forestry and fishing and retail trade.

The local government area is culturally diverse with one quarter of residents born overseas. 24% of the population are from backgrounds where languages other than English are spoken. The most common languages other than English are Italian, Tongan and Vietnamese.



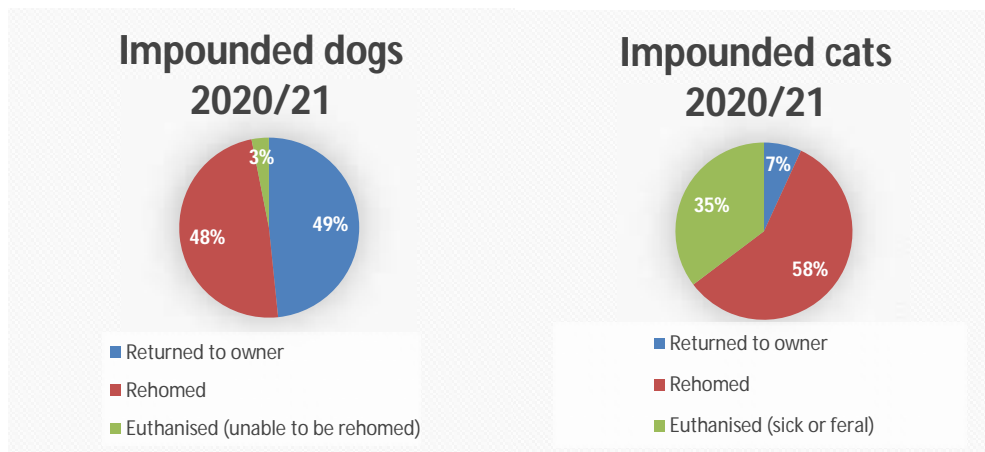
The municipality has experienced significant economic growth over the past decade, led by the expansion of horticultural and agricultural practices and supported by an innovative manufacturing sector. This success is depicted by the fact the region is Australia's largest producer of table grapes, pistachios and olives, responsible for one quarter of all carrots nationwide, a top contributor to the stone fruit industry and accounts for approximately 70 percent of Australia's almonds and olive oil production.

## 1.5 Current programs and services

Program/Service	Service Level
<b>Identification and Registration</b>	<p>Average of 2485 dogs and 447 cats registered per year.</p> <p>Annual registration renewal notices.</p> <p>Thorough follow up of unpaid registrations – average of 300 phone calls and 30 doorknocks per year.</p> <p>Annual free microchipping program in Swan Hill and Robinvale.</p> <p>Issue unregistered animal notifications as required.</p> <p>Mandatory microchipping and registration of all animals released from pound.</p> <p>Use of Council’s website and social media to reunite lost pets with owners.</p> <p>Half price animal registrations from October – December.</p>
<b>Domestic animal complaints</b> (i.e. wandering dogs and cats)	<p>Attend to wandering cats or dogs as soon as possible – preferably within the hour.</p> <p>Other non-urgent complaints within 48 hours.</p>
<b>Animal nuisance complaints</b>	<p>Respond to complainant within 48 hours.</p> <p>Issue barking dog information pack within 3 days.</p> <p>Deliver cat trap within 7 days.</p>
<b>Dangerous dog complaints/dog attack</b>	<p>Immediate response if determined to be an emergency.</p> <p>Respond next business day if non-emergency.</p>
<b>Animal cruelty complaints</b>	<p>Respond within 24 hours and refer to RSPCA if required.</p> <p>Investigate referrals from RSPCA as required.</p>
<b>Routine street/park patrols</b>	<p>50 patrols per month.</p>
<b>Pound facilities</b>	<p>Two Council pound facilities - Swan Hill and Robinvale.</p> <p>Visits by appointment 8:30am – 5:00pm Monday to Friday.</p>
<b>Microchipping program/discounted desexing</b>	<p>Annual microchipping program in Swan Hill and Robinvale.</p> <p>Free microchip and first year (pro-rata) registration.</p> <p>Discounted desexing, microchip, vaccination and free first year (pro rata) registration for animals adopted from the pound.</p>
<b>Domestic Animal Business Inspections</b>	<p>Inspect and process new DAB applications within 10 days.</p> <p>Conduct annual audits and issue registration certificates.</p> <p>Investigate complaints within 48 hours.</p>
<b>Declared dogs</b>	<p>Registration and identification of all menacing, dangerous and restricted breed dogs.</p> <p>Annual property inspections to ensure compliance.</p> <p>Respond to and investigate complaints within 24 hours.</p>
<b>After hours emergency service</b>	<p>External contractor for after-hours service for animal emergencies such as dog attacks and livestock on roads.</p>

### 1.6 Domestic animal statistics

	2017/18	2018/19	2019/20	2020/21
<b>DOGS</b>				
Registered dogs	2547	2421	2499	2476
Dogs impounded	191	176	176	126
Dogs returned to owner	80	80	70	61
Dogs rehomed	100	88	97	61
Dogs euthanased (unable to be rehomed)	11	8	9	4
Dogs surrendered to Council	20	25	42	16
Declared dogs – Dangerous	5	3	3	3
Declared dogs - Menacing	3	4	10	12
<b>CATS</b>				
Registered cats	434	464	454	438
Cats impounded	160	240	200	204
Cats returned to owner	11	11	8	14
Cats rehomed	76	121	133	118
Cats euthanased (sick or feral)	73	108	59	72
Cats surrendered	5	12	19	4
Domestic Animal Businesses	5	6	4	4



### Animal management related requests

The table below demonstrates there has been a significant increase in animal related requests from 2017/18 to 2020/21. This is due to a number of factors such as;

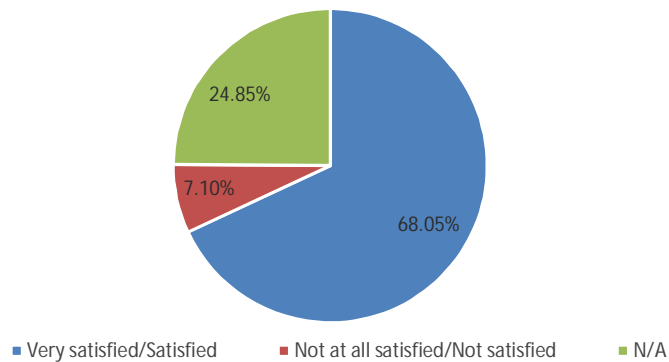
- improvements to our records management system;
- improved ability for the community to lodge requests via Snap, Send and Solve and Council's website;
- increased community education and awareness campaigns on the importance of reporting animal issues to Council; and
- increased complaints lodged in the Robinvale area due to staff changes.

2017/18	2018/19	2019/20	2020/21
1272	2135	2232	2162

### Customer service

The Regulatory Services team prides itself on their customer service and response times. As stated above, all animal related requests are actioned within 1-2 business days. The community survey responses below confirm that most people are satisfied with the service they have received from Council's animal management staff.

#### Overall level of satisfaction



## 2. Training of Authorised Officers

Section 68(A)(2)(b) of the Domestic Animals Act 1994 requires Councils to outline their programs for the training of Authorised Officers to ensure they can properly administer and enforce the requirements of the Act.

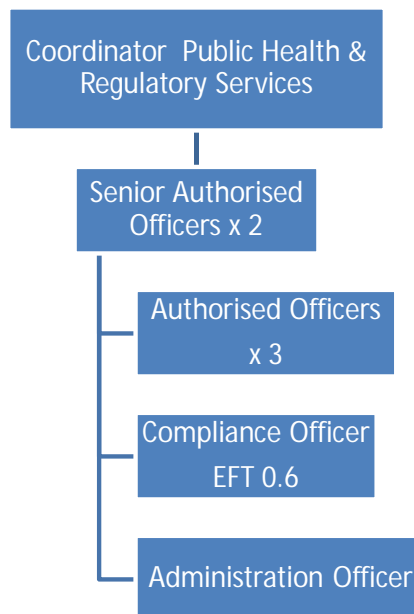
### 2.1 Context and current situation

Council's Animal Management Services sits under the responsibility of Regulatory Services which forms part of the Development and Planning Department.

There are currently five full time Authorised Officers in the Regulatory Services team that are skilled and trained to work in a multi-disciplinary role involving domestic animal management, Local Laws, parking enforcement, fire prevention and livestock control as part of their duties. The Authorised Officers are supported by the Public Health and Regulatory Services Coordinator, full time Administration Officer and part time Compliance Officer.

Animal management services are provided from 8.30am to 5.00pm Monday to Friday. An emergency after-hours service is provided by an external contractor to respond to animal emergencies such as dog attacks and livestock on roads. All after-hours calls that are not deemed as an emergency are logged by an external call centre for Authorised Officers to follow up during normal hours of operation.

### Regulatory Services team structure





## 2.2 Current and planned training for Authorised Officers

Due to the varied roles and activities undertaken by the Regulatory Services team, it is vital that all staff involved in animal management have the necessary skills, knowledge and equipment to perform their duties safely and effectively and have the required legislative authorisations and delegations.

Swan Hill Rural City Council is committed to the ongoing training and development of all animal management staff. Authorised Officers are required to obtain a Certificate IV Animal Control and Compliance and/or Certificate IV in Government (Statutory Compliance). Three officers have obtained these qualifications and two are currently undertaking studies.

Each officer completes training in customer service, occupational health and safety, first aid, and prosecutions, including the collection of evidence for court proceedings. Staff are also encouraged to attend industry related information sessions and seminars for networking opportunities and to keep up with latest trends and innovations.

A training register is maintained which details qualifications and training courses completed by each Authorised Officer and identifies areas for future training. Training requirements are identified through annual performance reviews. New staff are required to undertake a detailed departmental induction program with Senior Officers.

Council's Authorised Officer training and development activities are designed to ensure that all officers have the necessary skills and knowledge to undertake their duties. Training activities include:

- Formalised training through accredited registered training organisations.
- Short course refresher training.
- Industry forums and training sessions.
- On-the-job training and ongoing coaching.

Appendix 2 outlines the qualifications of staff and their ongoing training and education schedule.

## 2.3 Our plans for training

### Objective 1

Maintain training register that clearly identifies minimum training requirements and any additional training that should be completed by Authorised Officers

Activity	When	Evaluation
Identify training requirements during annual staff performance reviews.	Annually – June and as required.	Add training to training register.
Maintain training register.	As required.	Update training register when new training has been identified and when Officers complete training.

## Objective 2

Review of internal processes with staff to ensure consistent application of investigation, compliance and enforcement processes

Activity	When	Evaluation
Develop and implement new Animal Enforcement Procedure manual.	2024	New procedure manual developed.
Review investigation, compliance and enforcement policies and procedures to accommodate legal and other changes to ensure operational and service consistency and legislative requirements are met.	Annually – July and as required.	Policies, procedures and processes updated and approved training undertaken and officers competent.

## Objective 3

Ensure new Authorised Officers have the skills necessary to support the community and effectively perform their regulatory role

Activity	When	Evaluation
Ensure all new Authorised Officers undertake a detailed induction program with Senior Authorised Officers.	Upon appointment of new staff.	Complete induction documents and evaluate at 3-month induction review .
Identify minimum training requirements for new officers and ensure completion within 12 months of appointment.	Within 12 months of appointment.	Evaluate at 3/6 month induction reviews and annual performance review.

### 3.Responsible Pet Ownership Programs

This section outlines Council’s programs, services and strategies to promote responsible pet ownership to comply with the requirements of the Domestic Animals Act 1994.

#### 3.1 Context and current situation

Council undertakes a number of activities that promotes and encourages responsible pet ownership which reduces the need for enforcement.

Education material is available on our website and information brochures are displayed at service centres. Responsible pet ownership is promoted via social media and there are dedicated campaigns to encourage the community to register and microchip their animals.

The municipality is culturally diverse with one quarter of the population from backgrounds where languages other than English are spoken. The most common languages other than English are Italian, Tongan and Vietnamese. Multi lingual education materials will be made available.

During community consultation 36% of survey respondents said they weren’t aware of the 24-hour cat confinement requirement. An education campaign will be implemented to address this gap.

In the online survey the community also told us they would like to see more information online about:

- Responsibilities of dog owners when walking/exercising their dogs.
- The importance of desexing.
- Dog on leash/off leash areas and the rules.
- Cat curfews.

As shown on the table below the majority of Penalty Infringement Notices issued over the last four years relate to failing to renew registration (44%) and failing to register (27%). Many of the penalties for failure to renew are repeat offenders.

Clear key messaging around the benefits of pet registration and what the fee covers is important to improve registration rates and reduce the need for enforcement action.

#### Penalty Infringement Notices issued

Offence	2017/18	2018/19	2019/20	2020/21	TOTAL
<b>Failure to register</b>	25	36	42	32	<b>135</b>
<b>Failure to renew registration</b>	43	50	46	82	<b>221</b>
<b>Dog at large – daytime</b>	10	18	30	26	<b>84</b>
<b>Dog at large – night time</b>	0	1	0	4	<b>5</b>
<b>Cat at large in a restricted district</b>	0	0	0	6	<b>6</b>
<b>Non serious injury caused by dog attack</b>	2	4	6	8	<b>20</b>
<b>Rushing dog</b>	2	8	6	2	<b>18</b>
<b>Nuisance dog/cat</b>	0	0	0	1	<b>1</b>
<b>Not muzzling or controlling menacing dog</b>	0	2	0	0	<b>2</b>
<b>Dog/cat not wearing ID marker</b>	0	0	0	4	<b>4</b>
<b>TOTAL</b>	<b>82</b>	<b>73</b>	<b>176</b>	<b>165</b>	<b>496</b>

### 3.2 Our current education and promotion activities

- Use of local media, website and social media to promote responsible pet ownership and the benefits of microchipping and desexing.
- Availability of a range of information brochures and education material for the community – displayed at Council’s service centres and issued to the community as required.
- Education campaign via social media, Council newsletter, on-hold phone messages and paid advertising in the lead up to when renewals are due on 10 April each year.
- Annual registration renewal notices, reminder notices, SMS notifications, follow up phone calls and doorknocking for unpaid registrations.
- Providing dog waste bag dispensers and signage in 12 parks and reserves to encourage people to clean up after their pets. Locations are advertised in brochures and Council’s website.
- Dog on leash signage in parks and public areas to remind residents about keeping their dogs on a lead at all times.
- Community education campaigns about the importance of reporting dog attacks and owner’s responsibilities relating to aggressive, menacing and attacking animals.
- Links on website to other organisations that encourage responsible pet ownership such as The Department of Economics Development, Jobs, Transport and Resources, Domestic Animals Branch (DEDJTR) and RSPCA Victoria.
- Issuing of Unregistered Animal Notifications for unregistered animals to educate and ensure compliance.
- Placement of all unclaimed animals on Council’s Lost and Found webpage and local community Facebook pages.

### 3.3 Our plans to promote responsible pet ownership

#### Objective 1

Promote ‘Safe Cat, Safe Wildlife’ messaging among residents

Activity	When	Evaluation
Circulate ‘Safe Cat, Safe Wildlife’ education material throughout the municipality and promote via social media.	March 2022 and then annually.	Decrease in reports of wandering/nuisance cats.

#### Objective 2

Increase education about cat confinement rules

Activity	When	Evaluation
Increase education about 24-hour cat confinement requirement through media releases, social media, brochures, Council community newsletters.	March 2022 then annually.	Decrease in amount of complaints about cats being at large and reduction in cats trapped.

### Objective 3

Provide education materials in languages other than English

Activity	When	Evaluation
Develop multi-lingual education materials including registration requirements and the difference between registration and microchipping.	February 2022 then annually as required.	Increase in animal registrations, decrease in nuisance complaints.

### Objective 4

Increase number of new animal registrations and renewals through education and promotion campaigns

Activity	When	Evaluation
Develop engaging fact sheets on responsible pet ownership and registration requirements.	2022 and ongoing.	Increase in new registrations and renewals.
Create new registration packs and make available at vet clinics to be distributed when pets are microchipped.	June 2022 and ongoing.	Number of new animal registrations received via vet clinic.
Advertise animal registration renewals – website, radio, community newsletters, newspaper ads, social media and media releases.  Follow up unpaid animal registration renewals.	Ongoing.	Record number of media releases, social media posts, ads and articles.  Reduction in number of phone calls, doorknocks and infringement notices issued.

### Objective 5

Increase online materials and promotion

Activity	When	Evaluation
Increase online education material and promotion in the community about <ul style="list-style-type: none"> <li>• Responsibilities of dog owners when walking/exercising their dogs.</li> <li>• Dog on leash/off leash areas at the rules.</li> <li>• Cat curfews.</li> <li>• The importance of desexing.</li> </ul>	2022 and ongoing.	Material made available online and throughout the community.

## 4. Over population and high euthanasia rates

This section outlines Council's compliance and education programs to address over-population and high euthanasia rates in dogs and cats.

### 4.1 Context and current situation

Council makes every effort to reunite lost pets with their owners before taking animals to the pound. Current registration and up to date contact details on the pet's microchip records makes it much easier and contributes to a reduction in the numbers of animals that are impounded at Council's pound facilities in Swan Hill and Robinvale.

A promotion campaign is required to remind pet owners to update their pets microchip details. Unfortunately, owners of some lost microchipped animals cannot be contacted because phone numbers have been disconnected or the microchip is still under the breeder's or last owner's name.

Unidentified animals are impounded and advertised on Council's website for eight days. Animals that are claimed by owners are required to be registered and microchipped before they can be released from the pound. If animals are not claimed after eight days and are suitable to be rehomed they are either adopted locally or transferred to a rehoming organisation via a section 84Y agreement. Effective June 2021, Council has 58 agreements in place with approved animal rescue organisations.

Stray and feral cats continue to be an issue in the municipality. These cats create a serious problem of uncontrolled breeding as well as attacks on wildlife and damage to fauna. Council assists property owners with cat trapping to remove unwanted and unowned cats. Over 90% of cats impounded in 2020/21 were caught in a Council cat trap.

The overwhelming feedback from the online survey indicated our priorities for this plan should be aimed at addressing cat nuisance issues such as confinement and overpopulation, and the promotion of desexing and low cost desexing programs.

It is important that community members are educated and take responsibility for their cats by registering, microchipping, desexing and securely confining them to their property. 96% of cats impounded in 2020/21 were not desexed. Council will conduct community consultation through an online survey to gain feedback on the introduction of mandatory desexing of cats within the municipality.

In 2021 Council was successful in receiving grant funding from the State Government to commence a low cost cat desexing program, this will help address the high population rates of cats in the municipality. Council will continue to educate the community on the importance of desexing.

### Impounded animals

	2017/18	2018/19	2019/20	2020/21
<b>DOGS</b>				
<b>Dogs impounded</b>	191	176	176	126
<b>Dogs returned to owner</b>	80	80	70	61
<b>Dogs rehomed</b>	100	88	97	61
<b>Dogs euthanased</b> (unable to be rehomed)	11	8	9	4
<b>CATS</b>				
<b>Cats impounded</b>	160	240	200	204
<b>Cats returned to owner</b>	11	11	8	14
<b>Cats rehomed</b>	76	121	133	118
<b>Cats euthanased</b> (sick or feral)	73	108	59	72



In 2020/21 126 dogs were impounded. 48% of those dogs were released to their owners, 48% were rehomed and 4% were euthanased.

In 2020/21 204 cats were impounded. 7% of those cats were released to their owners, 58% were rehomed and 35% were euthanased.

Euthanasia is only used on incurably diseased, feral or uncontrollable cats and on dogs surrendered or seized because of a serious dog attack or suffering from incurable disease.

The euthanasia rates for cats is a lot higher than dogs because the majority of cats impounded are trapped and unable to be rehomed due to being feral or diseased.

## 4.2 Our plans to address over population and euthanasia

### Objective 1

Reduce the euthansia rates of cats by 5%

Activity	When	Evaluation
Continue to encourage desexing of animals and promote new low cost desexing program.	Ongoing.	Reduction in feral cats trapped and euthanased. Number of desexing vouchers redeemed.
Continuance of Section 84Y agreements with approved animal rescue organisations.	Ongoing.	Reduction in cats euthanased.
Develop and distribute education material about cat enclosures and nuisance issues to cat owners.	July 2022 and ongoing.	Reduction in cats euthanased.
Circulate 'Safe Cat, Safe Wildlife' education material throughout the municipality and promote via social media.	March 2022 and then annually.	Decrease in reports of wandering/nuisance cats.
Investigate funding opportunities to improve cat adoption rates within the municipality i.e. funding to contribute to desexing, bedding costs.	2022	Increase in animals adopted within the municipality.
Conduct community consultation through an online survey to gain feedback on the introduction of mandatory desexing of cats in the municipality.	2023	Community feedback received, report to Council.

### Objective 2

Educate pet owners to keep microchip and registration details up to date

Activity	When	Evaluation
Promotion campaign to remind pet owners to keep contact details up to date and change of ownership for microchips.	2022 and ongoing.	Increase in animals being reunited with owners before being impounded.
Include information on how to update animal owner details on the website, renewal notices, SMS notifications.	2022 and ongoing.	Increase in animals being reunited with owners before being impounded.

## 5. Registration and identification

This section outlines Council's programs, services and strategies to encourage the registration and identification of dogs and cats. It addresses the requirements of the Domestic Animals Act 1994.

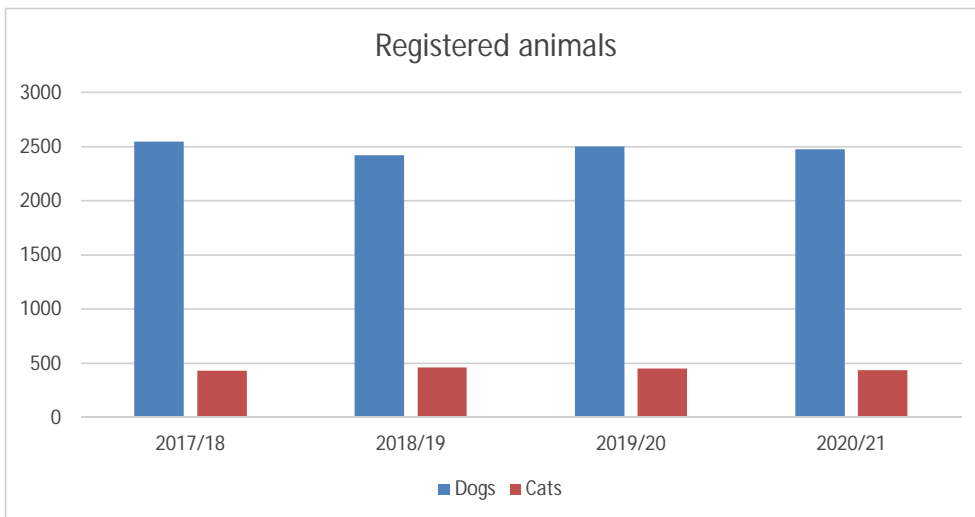
### 5.1 Context and current situation

Registration and identification of dogs and cats is the foundation of responsible pet ownership as it enables lost and found animals to be reunited with their owners as quickly as possible, reducing the stress on both owners and pets.

Animal registration fees help fund animal management services provided by Council, as well as State Government projects such as the Responsible Pet Ownership Program.

### Registration statistics

	2017/18	2018/19	2019/20	2020/21
<b>Dogs registered</b>	2547	2421	2499	2476
<b>Cats registered</b>	434	464	454	438



Registration figures for dogs and cats in the municipality have remained fairly consistent over the last four years. Currently there are 438 cats and 2476 dogs registered within the municipality. 63% of registered dogs and 95% of registered cats are desexed. Council does recognise that cat registration rates are low in comparison to dogs. This is an issue that will be addressed via a new education and awareness campaign.

## Dog and cat registration fees

The current fee set by Council to register a dog or cat is **\$132\*** per animal per year. If the animal meets one or more of the following criteria, the owner is eligible for a reduced fee:

If the animal is	The fee is reduced to
<b>Desexed</b>	\$44*
<b>Over 10 years of age*</b>	\$44*
<b>Part of a domestic animal business or applicable organisation</b>	\$44*
<b>A dog that has undergone training</b>	\$44*
<b>A working dog</b>	\$22
<b>*Pensioner card holders receive a 50% discount</b>	

## Offences for unregistered animals

Penalty Infringement Notices issued				
	2017/18	2018/19	2019/20	2020/21
<b>Failure to register</b>	25	36	42	32
<b>Failure to renew</b>	43	50	46	82

Prosecutions for unregistered animals				
	2017/18	2018/19	2019/20	2020/21
	51	26	23	26

## 5.2 Our current activities for registration and identification

- Issuing animal registration renewal notices via mail or email each year to currently registered animals.
- Thorough follow up of owners who fail to renew animal registrations including reminder notices, SMS reminders, phone calls, doorknocking and enforcement action.
- Mandatory microchipping and registration for all animals released from the pound.
- Use of Council's website and social media to reunite lost pets with their owners.
- Registration and identification of menacing, dangerous and restricted breed dogs.
- Annual free microchipping program in Swan Hill and Robinvale.
- Availability of microchipping at the Swan Hill Pound by Council's Authorised Officer whom is also an authorised microchip implanter.
- Half price animal registrations from 10 October to 31 December each year.
- Up to three months' free registration for new animal registrations received between 1 January and 10 April each year.
- Use of Council's website and social media to promote responsible pet ownership.
- Ensuring registration is checked as part of the process of dealing with animal complaints.
- Issuing of Unregistered Animal Notifications for unregistered animals to ensure compliance and enforcement action, if required.

- Regular audits of Council’s animal registration database to ensure data is accurate i.e. dogs no longer living in the municipality are made departed.
- Monitoring advertisements in local newspapers and community Facebook groups relating to animals for sale and ensuring compliance with the Act i.e. microchip and source numbers are listed.
- Monitoring 84Y agreements ensuring all animals adopted from the pound are desexed and microchipped.
- Notifying the new Council to follow up registration of animals directly adopted from our pound.
- Ensuring animals adopted through other agencies such as the RSPCA and Lost Dogs Home into our municipality have been registered.
- Regular patrols of public places, such as streets, reserves and parks.
- Issuing official warnings and infringement notices for non-compliance with the Act.

## Summary

Our main priority is to increase the number of animal registrations across the municipality by promoting the benefits of registering animals with Council and educating the community about the difference between microchipping and registration. Multi lingual fact sheets will be developed and distributed in areas that are culturally diverse. Registration packs will be made available at local vet clinics and distributed when animal animals are microchipped.

To further increase registration and renewals Council will continue to research ways to simplify, automate and improve access to animal registration and renewals. We will also improve the accuracy of our pet registration database by ensuring all animals listed on the Central Animal Records microchip database are also correctly registered with Council.

Council will introduce a ‘free ride home’ approach for registered animals that are found at large for the first time. We will also explore other incentives for first time registrations and ways to reward those who have invested in their pets, such as having their animal desexed, to receive a lower registration fee.

## 5.3 Our plans for registration and identification

### Objective 1

Increase the amount of dog and cat registrations in the municipality by 5%

Activity	When	Evaluation
<p>Improve the accuracy of Council’s pet registration database by contacting Central Animal Records on a quarterly basis and obtaining details of all pets microchipped in the municipality.</p> <p>Check that all animals are listed on Council’s pet registration database and follow up non-compliance.</p>	January 2022 and ongoing	Record number of Unregistered Animal Notifications issued and increase in new animal registrations received.
<p>Implement incentive program ‘A free ride home’.</p> <p>Rangers to adopt a free ride home approach to registered and microchipped animals found wandering for the first time that have not caused a nuisance.</p>	March 2022 and ongoing	<p>Promotion included in radio advertising, Council website and social media.</p> <p>Feedback received.</p> <p>Increase in new registrations.</p>
<p>Develop online animal registration payments capability through Council’s website and link to animal registration database.</p>	January 2022 and ongoing	<p>Increase in new registrations.</p> <p>Community feedback received</p>

Advertise animal registration renewals – website, radio, community newsletters, newspaper ads, social media and media releases. Follow up unpaid animal registration renewals.	Ongoing	Record number of media releases, social media posts, ads and articles. Reduction in number of phone calls, doorknocks and infringement notices issued.
Ensure all impounded animals are microchipped and registered prior to release	Ongoing	Number of animals registered.
Issuing of Unregistered Animal Notifications for unregistered animals and enforcement action for non-compliance	Ongoing	Number of animals registered, infringements issued, prosecutions.
Annual free microchipping program	Ongoing	Number of new animal registrations.
Half price registrations 10 October-31 December	Ongoing	Number of new animal registrations.
Ensure animals adopted through other agencies such as the RSPCA and Lost Dogs Home into our municipality have been registered.	Ongoing	Number of new animal registrations.
Publicise the Swan Hill Neighbourhood House 'No Interest loans scheme' for animal registrations	2022 and ongoing	Number of vouchers redeemed and new animal registrations.
Research opportunities to increase registration and renewal levels and implement appropriate initiatives	2023	Number of new registrations.
Research ways to simplify, automate and improve access to animal registration and renewal.	2022 and ongoing	Number of new registrations and renewals.
Conduct feasibility study on the benefits of rewarding those who have invested in their pets (desexing, obedience training etc.) to receive an even lower registration fee.	2023	Number of new registrations and renewals.

## Objective 2

Educate the community about the importance of animal registration

Activity	When	Evaluation
Develop multi lingual fact sheets explaining the importance of registration and the difference between registration and microchipping.	February 2022 and ongoing.	Increase in new registrations, in particular in the Robinvale area.
Increase the distribution of information on Responsible Pet Ownership through media releases, website, social media, brochures, Council community newsletters.	2022 and ongoing.	Record number of media releases, visits to webpage, social media posts and articles in local media.
Create new registration packs and make available at vet clinics to be given out when pets are microchipped.	June 2022 and ongoing.	Number of new animal registrations received via vet clinic.

## 6. Nuisance

This section outlines Council's programs, services and strategies to minimise the potential for dogs and cats to create a nuisance.

### 6.1 Context and current situation

The most common complaints received by Council's Regulatory Services Department relate to roaming and/or stray dogs and cats.

Stray and feral cats continue to be an issue in the municipality. Council assists property owners with cat trapping to remove unwanted and unowned cats. Over 90% of cats impounded in 2020/21 were caught in a Council cat trap.

During our community consultation 36% of survey respondents said they weren't aware of the 24-hour cat confinement requirement. An education campaign will be implemented.

It is important that community members are educated and take responsibility for their cats by registering, microchipping, desexing and securely confining them to their property. 96% of cats impounded in 2020/21 were not desexed. In addition to promoting our low cost desexing program Council will conduct community consultation through another online survey to gain feedback on the introduction of mandatory desexing of cats in the municipality.

Wandering dogs and dogs off leash are also a nuisance to the community and hazard to motorists and people exercising. In August 2021 Council opened a new off leash dog park in Swan Hill. The fully fenced park provides the opportunity for owners to exercise and socialise their dogs and practice training techniques. Council will investigate options of establishing off leash dog parks in other areas of the municipality to address nuisance behaviours.

63% of survey respondents also said they would also support the introduction of timed off-leash sessions in some of the current on leash areas. Council will seek further feedback from the community on preferred times and locations.

In the online survey the community also expressed they would like to see more information online about:

- Responsibilities of dog owners when walking/exercising their dog.
- The importance of desexing.
- Dog on-leash/off leash areas and the rules.
- Cat curfews.

### Animal nuisance complaints

	2017/18	2018/19	2019/20	2020/21
<b>Stray/roaming animals</b>	365	413	408	347
<b>Barking dogs</b>	30	32	30	29
<b>Dog poo</b>	3	3	5	4
<b>Cat trap request/cat caught in trap</b>	196	282	272	196
<b>Excess animal complaints</b>	4	12	8	3
<b>Other dog/cat nuisance complaints</b>	5	2	5	5



## 6.2 Our current compliance and education activities

- Free cat trap hire service.
- Barking dog information booklets for owners and complainants.
- Impounding stray dogs and cats and mandatory microchip and registration prior to release.
- Providing dog waste bag dispensers and relevant signage in 12 parks and reserves. Locations are advertised in brochures and Council's website.
- Issuing Local Law notices to comply, infringement notices and prosecutions, where applicable.
- Signage in dog on-leash areas.
- Availability of brochures and educational material.
- Timely and thorough follow up of nuisance complaints.
- Random patrols of parks and other public areas.
- 24-hour cat confinement requirement.

## 6.3 Our plans for nuisance animals

### Objective 1

Reduce cat nuisance complaints by 5%

Activity	When	Evaluation
Increase education about 24-hour cat confinement requirement through media releases, social media, brochures, Council community newsletters.	March 2022 then annually	Decrease in amount of complaints about cats being at large and reduction in cats trapped.
Develop a cat trap hire procedure and promote the availability of cat traps.	February 2022 Ongoing	Procedure developed, requests for cat traps.
Conduct community consultation through online survey to gain feedback on the introduction of mandatory desexing of cats in the municipality.	2023	Community feedback received, report to Council.
Develop and distribute education material about cat enclosures and nuisance issues to cat owners	July 2022 and ongoing	Decrease in cat nuisance complaints.
Continue to encourage desexing of animals and promote low cost desexing program through website, local media and social media	Ongoing	Number of vouchers redeemed.
Purchase additional cat traps and cat carriers	2022	Traps purchased.

## Objective 2

Reduce dog nuisance complaints by 5%

Activity	When	Evaluation
Develop a procedure for barking dog complaints.	2022	Procedure developed. Decrease in need for enforcement action.
Continually look for opportunities to improve signage in areas where dogs must be on leash and in areas where dogs are prohibited (such as playgrounds) throughout the municipality and update as required.	Ongoing	Number of inspections, signage updated as required.
Monitor compliance at the off leash dog park in Swan Hill.	Ongoing	Compliance with dog park rules, reduction in complaints.
Investigate options and seek community feedback of establishing off leash dog parks in other areas of the municipality.	2022	Community consultation, report completed.
Investigate options and seek community feedback on establishing timed off leash sessions in areas throughout the municipality.	2022	Community consultation, report completed.
Educate the community through social media, website and local media about the requirement for owners to clean up after their dogs and availability of dog waste bags.	Ongoing	Decrease in amounts of complaints regarding dog faeces.
Inspect nature reserves throughout the municipality to determine if dogs should be banned in those areas.	2023	Community consultation. Report completed .
Educate the community through social media, website and local media about responsible dog ownership and ways to minimise dogs barking.	Ongoing	Decrease in amount of complaints regarding barking dogs.
Educate the community through social media, website and local media about required to keep dogs confined to their properties.	Ongoing	Decrease in amount of wandering dog complaints.
Increase information on the website about Local Law requirement - all dogs must be on a leash unless in a designated off-leash area and responsibilities of dog owners when walking /exercising their dogs.	2022	Decrease in complaints about dogs off-leash.
Purchase an additional dog waste bag dispensers for rural towns.	2022	Dispensers installed and reduction in complaints.
Purchase an additional dog trap for Robinvale.	2022	Trap purchased and nuisance dogs trapped.
Provide advice to owners of pets with behavioural issues.	Ongoing	Disputes/issued resolved.

## 7. Dog attacks

This section outlines Council's programs, services and strategies to minimise the risk of attacks by dogs on people and animals.

### 7.1 Context and current situation

Swan Hill Rural City Council is committed to reducing the number of dog attacks in our community. Council provides a 24-hour service to immediately respond to dog attacks and our first priority is to protect the community by taking steps to prevent future attacks by the same dog. In most circumstances Authorised Officers seize and impound the alleged attacking dog until an investigation is complete.

Education is required to encourage the community to report all dog attacks regardless of the nature of the attack and level of injuries sustained. When investigating dog attacks Authorised Officers often find that the alleged attacking dog had attacked previously but it wasn't reported to Council, this is most likely due to the minor nature of some attacks or because the victim is known to the animal owner. Had the initial attack(s) been reported to Council, the subsequent, often more serious, attack could have been avoided.

There have also been incidents in the last 12 months where farmers have destroyed dogs found in their paddocks with livestock. As per the Domestic Animals Act an owner of livestock is able to destroy dogs or cats found at large near their livestock. Community education and awareness is required to inform pet owners about the consequences if their pets are found near livestock.

The following table details the number of dog attacks and rushing dog reports received by Council over the past four years. It is important to note that most rushing dog complaints reported relate to a person being scared of the dog or the dog only barking at them. The majority of reported dog attacks were also of a minor nature with only five attacks resulting in infringement notices for non-serious injuries and four prosecutions for serious attacks against livestock. Authorised Officers still conduct a thorough investigation of all reported dog attacks and rushing dog complaints.

### Number of dog attacks

	2017/18	2018/19	2019/20	2020/21
<b>Attacks on people</b>	11	8	9	7
<b>Attacks on livestock</b>	11	12	11	6
<b>Attacks on other animals</b>	15	25	23	27
<b>Rushing/Aggressive dog complaints</b>	18	27	45	28

Owners of dogs that have attacked and caused death or serious injury are usually prosecuted. The Domestic Animals Act is very specific in what constitutes a serious injury – *an injury requiring medical or veterinary attention in the nature of:*

- *a broken bone*
- *a laceration*
- *the total or partial loss of sensation or function in a part of the body*
- *an injury requiring cosmetic surgery.*

The Act also provides Councils with a number of enforcement options relating to dog attacks. These include declaring the dog either dangerous or menacing, issuing infringement notices, applying restrictions such as the confinement of the dog and requirement for it to be leashed and muzzled whilst in public.

Council has an internal procedure in relation to dog attacks. For serious dog attacks the investigating officer prepares a prosecution brief. The brief is reviewed by the Public Health and Regulatory Services Coordinator who then makes further recommendations to the Director/CEO who then determines the appropriate course of action. Infringements are usually given for minor attacks and in some circumstances, Council will, if considered appropriate, negotiate with the owner to surrender the dog in return for a reduction in penalties.

### Prosecutions for dog attacks

	2017/18	2018/19	2019/20	2020/21
<b>Serious dog attack</b>	2	0	2	0
<b>Non-serious dog attack (failure to pay PIN)</b>	0	2	1	2

### Number of dogs on Victorian Declared Dog Registry

	2017/18	2018/19	2019/20	2020/21
<b>Dangerous dogs</b>	5	3	3	3
<b>Menacing dogs</b>	3	4	10	12

## 7.2 Our current policies and procedures

- Dog attack response and investigation procedure
- Domestic animal collection and surrender procedure
- Euthanasia and disposal procedure
- Firearms procedure
- Preliminary Dog Attack Report
- Statement of No-Complaint Form
- Animal Surrender Form
- Seizure Notice
- Proceed to Prosecution Form

## 7.3 Our current compliance and education activities

- Immediate 24-hour response for reported dog attacks.
- Seizing and impounding alleged attacking dogs until an investigation is complete.
- Timely and thorough investigations of all reported dog attacks.
- Issuing notices to comply, infringement notices and official warnings where relevant.
- Declaring dogs determined to be dangerous, menacing or of a restricted breed, updating the VDDR and random property checks to ensure compliance with regulations.
- Prosecuting matters pursuant to the Act.
- Encourage local vet clinics to report dog attacks to Council.
- Community education about the importance of reporting dog attacks and responsible pet ownership.
- Promote and encourage the desexing of dogs to reduce incidents of wandering dogs.
- Timely response to all reports of dogs at large, uncontained dogs, aggressive and rushing dogs.
- Regular patrols of the municipality to collect dogs at large to reduce the potential for dog attacks.

## Summary

Dog attacks remain an issue for Council, in particular in rural areas where dogs attack sheep. Dog attacks are taken very seriously and officers will continue to respond to all dog attack reports promptly and take the necessary actions to protect the community. Council will continue to educate the community on ways to reduce the risk of dogs attacks and the importance of reporting all dog attacks.

## 7.4 Our plans to minimise dog attacks

### Objective 1

Conduct awareness campaign for both livestock owners and dog owners about the consequences for dogs found in livestock paddocks

Activity	When	Evaluation
Use media releases and social media to educate dog owners on the importance of confining dogs to their rural properties.  Inform dog owners that dogs can be destroyed if found near stock and owners can be prosecuted and potential claims for compensation of lost stock can apply .	March-May annually	Decrease in reports of dogs found in paddocks with livestock.

### Objective 2

Improve reporting of dog attacks

Activity	When	Evaluation
Improve community awareness through media releases, social media and website of what a dog attack is and how to report it to Council.	2022 and ongoing	Number of dog attacks reported.
Investigate and recommend alternatives for the community to report dog attacks i.e. The Dangerous Dog Hotline.	2022 and ongoing	Number of notifications from external agencies.
Improve information on Council website relating to dog attack investigations and reporting, and develop an online reporting platform.	2022 and ongoing	Online reporting tool developed and number of dog attacks reported.

### Objective 3

Reduce number of dog attacks

Activity	When	Evaluation
Publicise key dog attack prevention messages such as laws regarding registration, confinement of dogs to property, on leash in public areas through website, social media and community newsletter.	Ongoing	Decrease in number of dog attacks.
Improve community awareness of dog attacks and the consequences for owners if their dog attacks another animal or person.	Ongoing	Decrease in number of dog attacks.
Education campaign via social media and website regarding dog behaviour and what powers Council has to enforce.	Ongoing	Decrease in number of dog attacks.
Increase patrols of high risk locations.	2022 and ongoing	Number of patrols.
Publicise dog attack prosecutions through media releases, social media and website articles.	Ongoing	Decrease in number of dog attacks.

## 8. Dangerous, Menacing and Restricted Breed Dogs

This section outlines Councils programs, services and strategies to effectively identify all dangerous dogs, menacing dogs and restricted breed dogs in the municipality and ensure that those dogs are kept in accordance with the Domestic Animals Act and regulations

### 8.1 Context and current situation

Council has a number of declared dogs which have been determined to be either 'dangerous', 'menacing' or a restricted breed dog. Owners of declared dogs must comply with a range of requirements for their dogs relating to housing, microchipping, desexing, identification and Council registration. Where non-compliance is determined Council undertakes enforcement action as per the provisions of the Act.

#### Number of dogs on Victorian Declared Dog Registry

	2017/18	2018/19	2019/20	2020/21
<b>Dangerous dogs (Attack)</b>	5	3	3	3
<b>Dangerous dogs (Guard Dog)</b>	0	0	0	0
<b>Dangerous dogs (Attack trained)</b>	0	0	0	0
<b>Menacing dogs</b>	3	4	10	12
<b>Restricted breed dogs</b>	0	0	0	0

#### Restricted breed dogs

Restricted breed dogs are considered a higher risk to community safety than other breeds of dogs. The Domestic Animals Act defines restricted breed dogs as any one of the following breeds (pure or cross breed):

- American Pit Bull Terriers (or Pit Bull Terriers)
- Perro de Presa Canarios (or Presa Canario)
- Dogo Argentinos
- Japanese Tosas
- Fila Brasileiros

Council's Authorised Officers are trained to identify and declare restricted breed dogs. Effective June 2021, there are no known restricted breed dogs in the municipality.

#### Menacing dogs

Under the Act, Council may declare a dog to be a menacing dog if the dog causes a non-serious bite injury to a person or animal, or if it rushes at or chases a person.

'Rush at' means that the dog has approached a person within 3 metres, displaying aggressive behaviour such as snarling, growling, barking or raising the hackles.

The owner of a declared menacing dog must comply with requirements to prevent the dog from attacking (or causing serious injury) in future. A menacing dog declaration can be upgraded to a dangerous dog declaration if the owner has been issued with two infringement notices for failing to comply with requirements such as leashing or muzzling their dog in public.

Effective June 2021, there are 12 dogs that have been declared menacing in the municipality. Six of these dogs have bitten other dogs, one has bitten a person, four rushed at a person and one rushed at another dog while it was being walked by the owner.



## Dangerous dogs

A dangerous dog is one that Council has declared to be dangerous because it has bitten or attacked a person or animal, causing serious injury or death.

The Act empowers councils to declare a dog to be 'dangerous' if:

- the dog has caused serious injury or death to a person or animal; or
- the dog is a menacing dog and its owner has received at least two infringement notices for failing to comply with restraint requirements; or
- the dog has been declared dangerous under corresponding legislation in another state or territory; or
- for any other reason prescribed.

Owners of dangerous dogs have a series of obligations imposed on them to make sure that members of the public are not attacked by their dog.

Effective June 2021, there are three declared dangerous dogs in the municipality. One of these dogs attacked and bit a person causing serious injury, one attacked and killed livestock and one attacked and killed a cat.

## 8.2 Our current education and compliance activities

- Declaration of dogs where appropriate.
- Prompt response to complaints about suspected declared dogs.
- Annual and random audits of properties housing declared dogs.
- Ensure compliance with requirements of keeping dangerous dogs.
- Seizure of dogs suspected of being a restricted breed.
- Educating owners of dogs in relation to the laws about keeping declared dogs.
- Ensure all declared dogs are listed on the Victorian Declared Dog Registry.
- Information regarding restricted breed dogs and declared dogs on Council website.
- Brochures displayed at Council service centres.

## 8.3 Plans for Dangerous, Menacing & Restricted Breed Dogs

### Objective 1

Ensure declared dogs are compliant with relevant legislation and regulations

Activity	When	Evaluation
Conduct random property inspections of declared dogs to ensure compliance.	Bi-Annually	Record number of inspections. Compliance with requirements.
Enforcement of non-compliance of declared dogs.	As required	Prosecutions undertaken as required.
Continue to declare dogs as Restricted Breed, Dangerous or Menacing in accordance with legislation.	Ongoing	Number of dogs declared.
Investigate complaints about Menacing, Dangerous or Restricted Breed Dogs	Ongoing	Number of complaints investigated.

### Objective 2

Ensure Authorised Officers work consistently and fairly when deciding whether or not to declare a dog dangerous, menacing or restricted breed,

Activity	When	Evaluation
Develop a procedure relating to dealing with dangerous and declared dogs.	2022	Procedure developed.
Authorised Officers to undertake training to identify Restricted Breed dogs.	When available	Training completed.

## 9. Domestic Animal Businesses

This section outlines programs, services and strategies which Council intends to pursue in its municipal district to ensure that Domestic Animal Businesses (DABs) comply with the Act, regulations and any related legislation.

### 9.1 Context and current situation

There are currently six Domestic Animal Businesses (DABs) registered with Swan Hill Rural Council. These consist of three boarding establishments, one pet shop and two Council pound facilities. There is one pound located in Swan Hill and the other one is in Robinvale. There are no breeding or dog training establishments currently registered.

Domestic Animal Business	2017/18	2018/19	2019/20	2020/21
<b>Council pound</b>	2	2	2	2
<b>Boarding establishment</b>	3	3	3	3
<b>Pet Shop</b>	2	2	1	1
<b>Dog training establishment</b>	0	0	0	0
<b>Breeding establishment</b>	0	0	0	0

### 9.2 Current activities for Domestic Animal Businesses

- Annual registration and renewal of Domestic Animals Businesses.
- Regular audits of Domestic Animal Businesses to ensure compliance with regulations and relevant Codes of Practice.
- Provide information and guidance to registered Domestic Animal Businesses.
- Investigations of complaints lodged regarding the operation of a Domestic Animal Businesses and/or properties identified with excess animals.
- Liaison with Council's Planning Department over suspected illegal Domestic Animal Businesses.



## 9.3 Our plans for Domestic Animal Businesses

### Objective 1

Identify unregistered Domestic Animal Business operators

Activity	When	Evaluation
Improve public awareness of what a Domestic Animal Business is via social media and website.	2022 and annually	Number of social media posts and website updates.
Follow up possible Domestic Animal Businesses identified during property inspections and/or notifications from public.	Ongoing	Investigations completed.
Investigate all businesses that should be registered as a Domestic Animal Business – check media sources/social media for advertisements.	Ongoing	Investigation completed and business registered, if applicable.
Liaise with Planning Department to ensure all new planning enquires for animal related businesses are flagged with Regulatory Services.	Ongoing	Number of businesses referred.
Inspect properties with excess animal permits to ensure they don't have more than 3 fertile female dogs.	Ongoing	Number of inspections.

### Objective 2

Ensure all Domestic Animal Businesses are registered and compliant with legislation

Activity	When	Evaluation
Conduct annual audits of Domestic Animal Businesses to ensure compliance with legislation and relevant Code of Practice.	Annually	Audits completed and compliance achieved.
Ensure Council pound processes reflect best practice standards.	Annually	Review pound policy and procedures.
Review Health Management Plan for Swan Hill and Robinvale animal pounds.	Annually	Review plan and update as required.

## 10. Other matters

This section provides for the review of any other matters related to the management of dogs and cats in our municipal district.

### 10.1 Emergency Management

Council’s Municipal Emergency Management Plan (MEMP) includes a section on response and relief of animal management in an emergency. The MEMP was endorsed by Council in October 2017 and reviewed in 2020.

Over the years the municipality has experienced a relatively low number of emergencies of consequence. Those with the most widespread impact have been either wind/hail storms or flood. That impact has primarily involved property damage. Stock and crop losses were experienced, but there have been minimal threats to residences and domestic animals.

The Department of Jobs, Precincts and Regions (DJPR) is the lead agency in relation to animal welfare during an emergency. The Council pound facilities in Swan Hill and Robinvale are available to house displaced, lost or stray dogs and cats, if required.

### 10.2 Our plans for Emergency Management

#### Objective 1

Ensure consideration is given to the management of domestic animals in an emergency

Activity	When	Evaluation
Review animal management functions in the MEMP, including contact lists.	Annually	Review and submit report to Emergency Management Planning Committee.
Provide information via website and social media to assist pet owners in an emergency.	As required	Website updated and social media posts.
Ensure Authorised Officers are trained to manage domestic animals in an emergency.	When available	Training completed.

## 11. Annual review of plan

Under section 68A(3) of the Domestic Animals Act, every Council will review its Domestic Animal Management Plan annually and, if appropriate, amend the plan.

Council will review our Domestic Animal Management Plan annually. Any changes to our plan will be provided to the Department of Economic Development, Jobs, Transport and Resources Secretary. Council will publish an evaluation of the plan in the annual report.

### 11.1 Evaluation of implementation of the Domestic Animal Management Plan

The monitoring of the performance of the plan will be undertaken in accordance with the requirements of the Act. In addition, Council will continue to conduct its monthly monitoring of the performance of the animal management team.

The key performance measures within this plan are to be monitored on a monthly basis by the Public Health and Regulatory Services Coordinator, in conjunction with the Regulatory Services team.

The results of this monthly monitoring will enable Council to adjust the plan ahead of the annual review. The results are also reported to Council's Executive Leadership Team meetings, which are conducted on a weekly basis.

A review of performance under the plan is required to be included in Council's annual report. Measurements should relate to activities and targets in this plan and should include educational programs, increased registration of domestic animals, reduction of animals at large, decreased numbers of dog attacks, and increases in compliance and levels of community satisfaction as a measure of success.

It should be noted that if performance under the plan is not sufficient, further revision of the action plan and its methods may be required and should be recommended.



## Appendix 1 – Our Local Laws, Policies and Procedures

### Local Laws

#### Community Local Law No. 2 – Part 7 Animals

- Section 71 – Keeping animals in the municipal district sets out the number of animals that may be kept without a permit.
- Section 72 – requires owners to ensure they have adequate fencing to prevent animals escaping.
- Section 74 – requires owners to ensure their animals do not create a nuisance and all animal litter must be disposed of.
- Section 75 – requires a person to remove and dispose of their dog's excrement.
- Section 76 – requires all dogs and cats to be on a leash unless in a designated off leash area.

Prescribed off-leash area  
Swan Hill Off-Leash Dog Park

### Policies and Procedures

- Domestic animal collection and surrender procedure
- Animal registration forms and annual renewal notices including fixed fees
- Dog attack response and investigation procedure
- Euthanasia and disposal procedure
- Firearms procedure
- Preliminary Dog Attack Report
- Statement of No-Complaint Form
- Animal Surrender Form
- Seizure Notice
- Proceed to Prosecution Form



## Appendix 2 – Training Register

Authorised Officer Training	Completed	Planned
Certificate IV Animal Control and Regulation	√ 3 officers, 2 in progress	
Certificate IV in Statutory Compliance	√ 3 officers, 2 in progress	
Advanced safe dog handling, apprehension and bite prevention workshop	√	As offered
Firearms training	√	Every two years
Understanding and working safely with dogs		2022
Animal Welfare Victoria – Animal management information webinar	√	As offered
Prosecutions training	√	Refresher training when available
First Aid Level II	√	Refresher training when available
CPR Update	√	Refresher training when available
Freedom of information	√	As required by Council
Occupational Health and Safety	√	As required by Council
Personal Protective Equipment	√	As required by Council
Manual handling	√	As required by Council
Dealing with aggressive customers	√	As required by Council
Conflict resolution	√	As required by Council
Council policies and procedures	√	As required by Council
Other Animal Welfare Victoria training and information seminars		As offered
Municipal Association of Victoria and local government professionals		As offered
Australian Institute of Animal Management seminars/conferences		As offered

## 2.11 Petition - Concerns in relation to the current state of the Robinvale retail and business district

**Directorate:** Chief Executive Officer  
**File Number:** Council  
**Purpose:** For Decision

### Council Plan Strategy Addressed

**1. Liveability** - 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

1.1.1 Attractive urban areas and regional townships

### Current Strategic documents

Council Plan

### Declarations of Interest

Council Officers affirm that no general or material conflicts need to be declared in relation to the matter of this report.

### Summary

On 8 September 2023, Council received a petition expressing concerns in relation to the current state of the Robinvale retail and business district, including Perrin Street, Herbert Street and Latje Road. The petition was submitted by concerned members of the Robinvale Opportunity Shop which contained 24 signatures in total and is attached for information.

### Discussion

The issues raised by the petitioners in relation to the central business district of Robinvale include themes around the following:

- General appearance
- Rubbish
- Footpath cleanliness
- Unkept shop fronts
- Hotel condition

The petitioners also made positive commentary about the work carried out to improve Bromley Road to make it welcoming.

The presentation of commercial areas is a challenge and is the responsibility of many stakeholders. Council takes the lead in relation to the maintenance and presentation of the public realm and property owners and tenants are responsible for

the upkeep and presentation of their own properties. However, the broader community also needs to take civic pride and partner with Council in regards to community issues, such as vandalism, rubbish etc. Every stakeholder must do their bit to ensure a vibrant and welcoming commercial hub.

In relation to the concerns expressed in the petition, the following are responses to some of the issues:

1. *Food businesses:* all food premises are registered and Council undertakes an annual food assessment. If any breaches are found further inspections and actions are taken.
2. *Condition and presentation of business windows:* the windows of the businesses, provided that they aren't causing a food risk, cannot be regulated by Council. Council can only encourage windows and frontages to be kept clean and enticing, which historically has had limited success.

Council did run a program during Covid 19 to aid recovery in both Swan Hill and Robinvale. The improvements to the laneway in Robinvale was one outcome. The image below was produced for vacant shop fronts and officers persisted for some time to get commitment from owners for these to be displayed, including the offer of cleaning windows – unfortunately, there was limited take up of this offer.



Council could write to the local business owners encouraging them to clean and improve their shop fronts, however this cannot be enforced.

3. *Rubbish:* Street walk litter pickups are conducted on Monday, Wednesday and Fridays' by Council staff. In regards to rubbish in the vicinity of the

supermarket and Latje Road, this will be followed up by the regulatory services team on an ongoing basis.

4. *Hotel:* It is agreed that the hotel in its current condition does not aid in presenting the central business district at its best. The hotel has been checked regularly for safety and will continue to get fire assessments each year and the long grass will continue to receive fire notices when it gets high enough to be a hazard. Furthermore, officers have been liaising with the property owner to help progress redevelopment of the site and will continue to do so.
5. *General appearance of the public realm:* Robinvale Council outdoor staff start at 5am pressure washing pavements, rubbish bins, street furniture etc. every 1-2 months.

There are some areas (nature strips, vacant blocks) around the central business district that are not the responsibility of Council to maintain, although, before important events Council staff does regularly tidy up these areas.

It is worth noting that Council also recently stripped back the paint on the pedestrian crossing and repainted the lines. Council has received positive feedback with this improvement and in regards to some minor paving works which have also been recently completed.

The existing epoxy pebble coverings around the base of the trees in Perrin Street will also be removed prior to Christmas as is currently deemed hazardous. However, a broader review of Perrin Street is required to consider the future of the trees in the main street cognisant of the damage to the road and kerbs and potential associated risks.

All Council staff strive for improvements in service delivery under difficult circumstances. Officers welcome opportunities to work with property owners and tenants to improve the appearance of Robinvale.

### **Consultation**

Relevant Council staff have contributed to this response.

### **Financial Implications**

Nil.

### **Social Implications**

Having a thriving and dynamic central business district is important in any town and can add to the wellbeing of a community.

### **Economic Implications**

Having a thriving, welcoming and dynamic central business district is important in any town and can add to the economy of a town.

### **Environmental Implications**

Nil.

### **Risk Management Implications**

Nil

**Attachments:** 1. Petition [2.11.1 - 2 pages]

### **Options**

That Council:

1. Write to the petitioners advising of current services provided by Council.
2. Write to local businesses encouraging them to clean their shop fronts

### **Recommendation/s**

That Council:

1. **Write to the petitioners advising of current services provided by Council.**
2. **Write to local businesses encouraging them to clean their shop fronts.**

### **CM 2023/94 Motion**

#### **MOVED Cr Kelly**

That Council:

1. **Write to the petitioners advising of current services provided by Council.**
2. **Write to local businesses encouraging them to clean their shop fronts.**

#### **SECONDED Cr Jeffery**

**The Motion was put and CARRIED 7 / 0**

Mr Scott Barber  
 CEO Swan Hill Rural City Council  
 PO Box 488  
 Swan Hill Vic 3585  
 14-08-2023

Dear Mr Barber,

At a recent meeting of the Robinvale Op Shop, members resolved to express their concerns in relation to the current state of the Robinvale retail and business district. As a group of volunteers, we take pride in the appearance of our shop and receive positive feedback from visitors to the town. Sadly, this is too often followed by negative comments about the state of the main street.

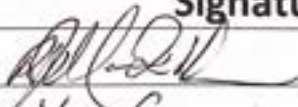


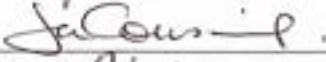

The general appearance of Perrin Street and, to a lesser extent, Herbert Street and Latje Road is unsatisfactory. There is rubbish on the streets, the pavements and footpaths are dirty, shopfronts are unkempt and the general appearance is unpleasant and unwelcoming. The hotel has stood in ruins for an unacceptably long period of time.

Both Council and many property owners have shown total neglect and disregard for the town of Robinvale. The Robinvale community has a proud history of civic responsibility – the town was built from virtually nothing by Returned Service men and women. This legacy is currently being significantly devalued.




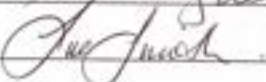
In contrast, the development of Bromley Road has created a welcoming entrance to the town. This progress shows what can be achieved with some commitment, investment and care and needs to be replicated in Perrin and Herbert Street and Latje Road.

A walk-through to see the areas of concern and identify how Council can act to rectify the situation would be a good starting point. Council leadership could take the form of liaising with property owners and ensuring by laws are adhered to and requesting action plans for property maintenance and cleanliness. Funding for internal window screens depicting Robinvale's history would be a cost effective way to overcome the problem of unsightly shop fronts.

We, the undersigned, request that Council takes urgent action to work with freehold and business owners to address the issues noted above.

Name	Signature
Rayna MacIntyre	
Kaylene Conner	
Leanne Denaro	
J.A. COUSINS	
HELEN ROBERTSON	



Name	Signature
Maia Corcoran	
FRAN ATKMAN	Francis E. Atk
MARY COLDOMIA	M. Coldomia
TOMY POON CHITTSORN	Tomy Poon
Joan Walsh	J Walsh
Marg Curran	M Curran
Anne Rhoden	A Rhoden
	Denis Rhoden
LOIS HALLY	L. Hally
Nevins Williams	N. Williams
Linda Stevens	LINDA STEVENS
<del>am orien</del>	<del>am orien</del>
PATRICIA O'BRIEN	<del>Patricia</del>
Pat O'Brien	Pat O'Brien
Lina Manna	L Manna
<del>Marg Curran</del>	<del>M Curran</del>
	LESLEY COPE
Jenny Manna	Jenny Manna
Lorraine Tyrrell	L. Tyrrell
Sue Smith	



## 2.12 Spoons Riverside Lease Variation - Community Engagement

**Directorate:** Corporate Services  
**File Number:** AST-BU-37029-03  
**Purpose:** For Decision

### Council Plan Strategy Addressed

**4. Leadership** - We will ensure accountable leadership, advocacy and transparent decision making.

#### 4.1 Excellent management and administration

4.1.1 Well managed resources for a sustainable future

4.1.3 Sound, sustainable:

- Financial management • Excellence in service delivery • Strategic planning

### Current Strategic documents

Council Plan

### Declarations of Interest

Council Officers affirm that no general or material conflicts need to be declared in relation to the matter of this report.

### Summary

The purpose of this report is to inform Council of the submissions received during the community engagement process undertaken for the proposed variation to the existing lease of the Spoons Riverside Café.

### Discussion

At a Council meeting on the 19 September 2023 Council resolved to undertake a community engagement process for a proposed a variation of Lease to grant an additional two further term options of 5 years from 2034 to 2039 and 2039 to 2044 and one further term of four years from 2044 to 30 June 2048 to the tenant at the Spoons Riverside Café.

On the 22 September 2023 Council gave notice under Section 115 of the Local Government Act 2020 (the Act) and of its intention to vary its lease agreement with the current Tenant for the premises known as the Spoons Riverside Café, 125 Monash Drive, Swan Hill, inviting submissions on the matter.

The Community Engagement process ended at 12:00pm Friday 20 October 2023.

Council received one submission on the matter from Joelene Williams. The submission received was as follows:

*“When I tried to propose further lease terms as a council tenant I was informed that I “would need to be the tenant for at least 12 months until a proposal for further terms will be considered by Council”. No discussions would be held until at least 12 months after trading on the subject. So, I’m just wondering by why the special conditions for the Spoons Lease? Why don’t they have to trade for 12 months before they are offered extended trading terms? Rules for some but not others?”*

The Officers response is as follows:

During December 2022 Council was notified that Joelene Williams was in discussions with Rebecca Hart regarding the purchase of Rebecca’s business at the Lake Boga Catalina Café. During the negotiations Joelene’s solicitor wrote to Council proposing to proceed with the purchase of the business on the basis that the lease was varied. One of the variations requested was the addition of further terms. Based on the information provided at the time, Council responded to Joelene’s request for further terms as follows:

- Joelene was informed in writing that she would need to be a tenant for at least 12 months until a proposal for further terms would be considered by Council.
- At Joelene’s request, Officers met with Joelene to discuss Council’s written response.
- Officers arranged for Joelene to appear in person at a meeting of the Council Assembly
- Joelene provided a written submission for the Council Assembly and declined to appear in person. In the written submission Council was informed that she had walked away from the purchase the business.

It is Council’s practice to consider of requests relating to leasing and licencing on a case-by-case basis in accordance with Council Policy and procedures.

### **Consultation**

On the 22 September 2023 Council gave notice under Section 115 of the Local Government Act 2020 (the Act) and of its intention to vary its lease agreement with the current Tenant for the premises known as the Spoons Riverside Café, 125 Monash Drive, Swan Hill, inviting submissions on the matter to be made by 12:00pm Friday 20 October 2023.

### **Financial Implications**

Nil.

### **Social Implications**

Nil.

### **Economic Implications**

Nil.

### **Environmental Implications**

Nil.

### **Risk Management Implications**

Nil.

**Attachments:** Nil

### **Options**

Following the consideration of any submissions, Council may resolve to:

1. vary the lease as detailed above; or
2. not proceed with the proposal.

### **Recommendation/s**

**That Council:**

1. **Grant a variation to the lease to add two (2) further term options of five (5) years each and a further four (4) year term for the lease to end on 30 June 2048.**
2. **Officers provide a formal response to the submission.**

**CM 2023/95 Motion**

**MOVED Cr Kelly**

**That Council:**

1. **Grant a variation to the lease to add two (2) further term options of five (5) years each and a further four (4) year term for the lease to end on 30 June 2048.**
2. **Officers provide a formal response to the submission.**

**SECONDED Cr Moar**

**The Motion was put and CARRIED 7 / 0**

Cr Jeffery left the meeting at 5:16 pm.

## 2.13 Quarterly Review of Financial Performance and Financial Position to 30 September 2023

**Directorate:** Corporate Services  
**File Number:** 42-20-00  
**Purpose:** Information Only

### Council Plan Strategy Addressed

**4. Leadership** - We will ensure accountable leadership, advocacy and transparent decision making.

#### 4.1 Excellent management and administration

4.1.1 Well managed resources for a sustainable future

### Current Strategic documents

Budget

### Declarations of Interest

Council Officers affirm that no general or material conflicts need to be declared in relation to the matter of this report.

### Summary

A review of Council's Financial Performance (Income and Expenditure) and Financial Position (Balance Sheet) to the adopted Budget for the three months to 30 September 2023 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 three months ended 30 September 2023 are included with this report.

Major variations to budget as at 30 September 2023 are also explained by way of notes on the attached reports.

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

Significant forecast variations to the annual budget include:

	Current Forecast Variances	
Grants Commission – Financial Assistance Grants (including Transfer from Reserve) <i>The approved Financial Assistance Grant was \$679,136 higher than the budgeted grant.</i>	\$679,136	Favourable
Grants Commission – 2023 Underpayment <i>Final calculation of the 2022/23 Financial Assistance Grant undertaken by the Victorian Local Government Grants Commission resulted in an additional allocation to Council.</i>	\$356,878	Favourable
Interest Income <i>Estimated amount of interest income increased due to the Grants Commission 2023/24 upfront payment.</i>	\$105,000	Favourable
Mayoral Allowance <i>The Mayor has elected to receive an allowance \$25,000 less than the annual payment approved for the Mayor. The reported variance is favourable from the start of the financial year to the election anniversary date in November.</i>	\$9,375	Favourable
Statutory fees and fines <i>Building and planning permits are below forecast and expected to remain as such for the remainder of the year.</i>	(\$50,000)	Unfavourable
Livestock Exchange user fees <i>Reduced number of stock passing through the exchange this financial year.</i>	(\$80,000)	Unfavourable
Software Licences <i>Microsoft Annual Licence subscription exceeded forecast by 9 per cent.</i>	(\$19,500)	Unfavourable
WorkCover Premiums <i>Premiums for the 2023/24 year are above forecast due to a MAV Annual Contribution payment.</i>	(\$21,515)	Unfavourable
Safety ISO 45001:2018 Audit – OHS Depot <i>Assess the effectiveness of Council's OHS monitoring system, including the structure, policies, planning activities, resourcing, operating procedures and work practices.</i>	(\$10,600)	Unfavourable
Murray River Group of Councils <i>Member Councils resolved to support additional works regarding the Murray Darling Basin advocacy plan.</i>	(\$10,000)	Unfavourable
Capital Works – Notting Road Drainage – Pental Island Bridge – Concept costs/structural report to obtain \$369k grant.	(\$65,000)	Unfavourable
	(\$90,000)	Unfavourable
<b>Net Variation to 2023/24 Budget</b>	<b>\$803,774</b>	<b>Favourable</b>

## Consultation

Consultation occurred as part of the Budget preparation process.

## Financial Implications

The report shows a predicted rates determination result of \$803,774 above the budgeted surplus for the 2023/24 financial year.

## Social Implications

Not applicable.

## Economic Implications

Not applicable.

## Environmental Implications

Not applicable.

## Risk Management Implications

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

**Attachments:** 1. Sept 23 ELT FS n\_kx 0 e s TUKA S 5 E 771 titg [2.13.1 - 2 pages]

## Options

1. Nil.

## Recommendation/s

### That Council:

1. Note that the anticipated end of financial year result is \$803,774 better than the adopted budget surplus of \$79,038 at this stage.

## CM 2023/96 Motion

## MOVED Cr Young

### That Council:

1. Note that the anticipated end of financial year result is \$803,774 better than the adopted budget surplus of \$79,038 at this stage.



**SECONDED Cr Moar**

**The Motion was put and CARRIED 6 / 0**

**SWAN HILL RURAL CITY COUNCIL  
STATEMENT OF INCOME & EXPENDITURE  
FOR THE 3 MONTHS ENDING 30/9/2023**

	Actual Year To Date 30/09/2023 \$000	Budget Year To Date 30/09/2023 \$000	\$ Variance To Budget \$000	% Variance To Budget	Original Annual Budget 2022/23 \$000	Notes
<b>OPERATING INCOME :-</b>						
Rates, garbage charges and marketing levy	32,102	32,182	(80)	-0.2%	32,182	
Statutory fees & fines	159	275	(116)	-42.2%	1,101	1
User fees	1,095	1,355	(260)	-19.2%	5,421	2
Grants - Operating (recurrent)	1,212	2,739	(1,527)	-55.8%	10,956	3
Grants - operating (non-recurrent)	264	154	110	71.4%	616	4
Grants - capital (recurrent)	819	359	461	128.5%	1,434	5
Grants - capital (non-recurrent)	1,393	635	758	119.5%	2,539	6
Contributions - cash non recurrent	18	34	(16)	-46.7%	135	7
Interest income	577	278	300	107.9%	1,110	8
Proceeds from disposal of assets	108	565	(457)	-80.9%	2,260	9
Other revenue	656	750	(94)	-12.5%	2,999	10
<b>TOTAL INCOME</b>	<b>38,403</b>	<b>39,325</b>	<b>(922)</b>	<b>-2.3%</b>	<b>60,753</b>	
<b>OPERATING EXPENSES (Excluding Depreciation) :-</b>						
Employee benefits	5,434	5,554	(120)	-2.2%	22,215	
Contract payments materials & services	4,768	5,132	(364)	-7.1%	20,526	
Bad & doubtful debts	0	6	(6)	-100.0%	22	
Finance costs	10	16	(6)	-37.5%	64	
Other expenses	189	254	(65)	-25.6%	1,016	11
<b>TOTAL OPERATING EXPENSES (Excl. Deprn.)</b>	<b>10,401</b>	<b>10,961</b>	<b>(560)</b>	<b>-5.1%</b>	<b>43,843</b>	
<b>OPERATING RESULT ( Excl. Deprn. )</b>	<b>28,002</b>	<b>28,364</b>	<b>(362)</b>	<b>-1.3%</b>	<b>16,910</b>	
<b>CAPITAL ITEMS :-</b>						
Capital works/asset purchases	3,241	7,960	(4,719)	-59%	31,841	12
<b>SURPLUS (DEFICIT) AFTER CAPITAL ITEMS</b>	<b>24,761</b>	<b>20,404</b>	<b>4,357</b>	<b>21%</b>	<b>(14,931)</b>	
<b>ADD FINANCING TRANSACTIONS</b>						
Loan principal redemption	(69)	(68)	(1)	1.5%	(272)	
Transfers to/from reserves	0	0	0	0.0%	15,282	
Proceeds from loans	0	0	0	0.0%	0	
<b>TOTAL FINANCING TRANSACTIONS</b>	<b>(69)</b>	<b>(68)</b>	<b>(1)</b>	<b>1.5%</b>	<b>15,010</b>	
<b>BUDGET RESULT SURPLUS</b>	<b>24,692</b>	<b>20,336</b>	<b>4,356</b>	<b>21.4%</b>	<b>79</b>	

- The Statutory fees and fines unfavourable variance relates to Building Permits (\$52k), Planning Permits (\$21k) and Public Health (\$32k). The Public Health (Environmental Controls) variance (\$32k) is a timing issue with permits renewed in December annually.
- The User fees unfavourable variance relates to the Livestock Exchange (\$115k), Pioneer Settlement (\$56k) and Waste Management commercial/industrial waste (\$76k) being below forecast. The Waste Management commercial/industrial fees are a timing issue and will be charged quarterly.
- One hundred per cent of Council's 2023/24 Victoria Grants Commission allocation was received in advance in June 2023. This unfavourable 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 \$1,036,014 better than forecast due to an additional \$679,136 from the indexation of our allocation in the 2024 year, and \$356,878 being the underpayment from 2023.
- Timing issue. The favourable variance to budget relates to Youth Support (\$43k) and Natural Resource Management (\$66k) funding received.
- Timing issue. This Roads to Recovery grant funding will be received in full by the end of the financial year.
- Timing issue. The favourable variance is attributed to prior year project milestones achieved, with grant funding received this financial year.
- Timing issue. The unfavourable variance relates to Library contributions not yet received from other municipalities.
- Interest income is favourable in comparison to the budget due to higher interest rate returns on term deposits and interest received in the current year attributable to the prior year.
- The budget allowed for the sale of Council properties (lots in Ronald Street Robinvale and Feltmann Lane) over the financial year. Proceeds from disposal of assets consists of plant item sales only to date.
- Other revenue received includes Tower Hill sales (\$470k) and EPA levies (\$142k). The unfavourable variance is due to the September EPA levy not yet raised.
- Timing variance - other expenditure includes an accrual reversal for 22/23 VAGO Audit (\$47k), with the invoice yet to be received.
- Significant capital works projects forecast for the 2023/24 year are the Art Gallery redevelopment, Pioneer Settlement Tourism & Cultural Hub, Ultima Compost Facility establishment, Robinvale Leisure Centre Splash Park, Ronald Street and Tower Hill developments. The majority of the variance relates to anticipated works on the Art Gallery redevelopment and Tourism & Cultural Hub and the next stage of the Tower Hill development having not yet commenced.

**SWAN HILL RURAL CITY COUNCIL  
SUMMARISED BALANCE SHEET  
AS AT 30/9/2023**

	<b>Last Year Actual As At 30/06/2023 \$000</b>	<b>This Year Actual As At 30/09/2023 \$000</b>	<b>\$ Movement Y.T.D. \$000</b>	<b>Budget As At End 2023/24 \$000</b>
<b>CURRENT ASSETS:-</b>				
Cash and Cash Equivalents	55,798	57,566	(1,768)	25,412
Trade & Other Receivables	4,805	28,924	(24,119)	4,312
Inventories	184	225	(41)	174
Other Assets	2,092	114	1,978	333
<b>TOTAL CURRENT ASSETS</b>	<b>62,879</b>	<b>86,829</b>	<b>(23,950)</b>	<b>30,231</b>
<b>CURRENT LIABILITIES:-</b>				
Trade & Other Payables	2,880	6,635	(3,755)	3,932
Trust Funds & Deposits	485	1,213	(728)	468
Unearned Income/Revenue	5,442	0	5,442	4,276
Provisions	6,858	5,247	1,611	5,445
Interest Bearing Loans & Borrowings	278	280	(2)	530
Lease Liabilities	132	132	0	60
<b>TOTAL CURRENT LIABILITIES</b>	<b>16,075</b>	<b>13,507</b>	<b>2,568</b>	<b>14,711</b>
<b>NET CURRENT ASSETS</b>	<b>46,804</b>	<b>73,322</b>	<b>(26,518)</b>	<b>15,520</b>
<b>NON-CURRENT ASSETS:-</b>				
Trade & Other Receivables	50	111	(61)	50
Property, Plant, Equipment & Infrastructure	617,264	617,266	(2)	612,600
Right-of-use Assets	236	236	0	108
Intangible Assets	3,840	3,840	0	3,995
<b>TOTAL NON-CURRENT ASSETS</b>	<b>621,390</b>	<b>621,453</b>	<b>(63)</b>	<b>616,753</b>
<b>NON-CURRENT LIABILITIES:-</b>				
Interest Bearing Loans & Borrowings	2,069	1,998	71	1,545
Lease Liabilities	120	120	0	61
Provisions	1,243	3,135	(1,892)	3,246
<b>TOTAL NON-CURRENT LIABILITIES</b>	<b>3,432</b>	<b>5,253</b>	<b>(1,821)</b>	<b>4,852</b>
<b>TOTAL NET ASSETS</b>	<b>664,762</b>	<b>689,522</b>	<b>(24,760)</b>	<b>627,421</b>
<b>EQUITY:-</b>				
Accumulated Surplus & Reserves	337,961	362,721	(24,760)	322,018
Asset Revaluation Reserve	326,801	326,801	0	305,403
<b>TOTAL EQUITY</b>	<b>664,762</b>	<b>689,522</b>	<b>(24,760)</b>	<b>627,421</b>

## 2.14 Council Plan KSI - September Progress Report 2023

**Directorate:** Corporate Services  
**File Number:** S16-28-03  
**Purpose:** For Decision

### Council Plan Strategy Addressed

**4. Leadership** - We will ensure accountable leadership, advocacy and transparent decision making.

#### 4.1 Excellent management and administration

4.1.2 Provide robust governance and effective leadership

### Current Strategic documents

Council Plan

### Declarations of Interest

Council Officers affirm that no general or material conflicts need to be declared in relation to the matter of this report.

### Summary

The purpose of this report is to present the First quarter progress update of Council's performance against the Council Plan 2021-2025. The period reported is from 1 July 2023 to 30 September 2023.

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.

### 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 first quarter update in relation to the actions taken and progress made to achieve these goals and strategic initiatives in the 2023/24 financial year.

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

**Council has made progress on the following:**

**1.1.1.1. Finalise and implement rural living / rural residential strategy** – This Project has been awarded and work has commenced on the Study, with an expected completion date of January 2024.

**1.2.1.3 Develop drainage strategies for key urban areas in the municipality** - A consultant has been engaged to develop the Swan Hill Drainage Strategy and Model. This project is expected to be completed by April 2024. It will provide Council with a program of specific projects to improve drainage infrastructure within the townships of Swan Hill and Robinvale to support the drainage strategy and overcome existing and future drainage issues.

**1.3.2.1. Reinvigorate performance spaces across the area, including Robinvale Community Art Centre** - Seven events have taken place to date in the theatre. Three live shows and four films. The Reception Hall has had extensive use, with the one of the highlights being the Australian Almond Growers Forum held in August 2022. Foyer area facelift is planned for this year. Further live performances and movies are planned. Quarterly dance and drama workshops are planned to commence later in the year.

**1.4.1.1. Deliver creative industries projects across the region** - First stage delivered in August, two residencies in partnership with Murray River

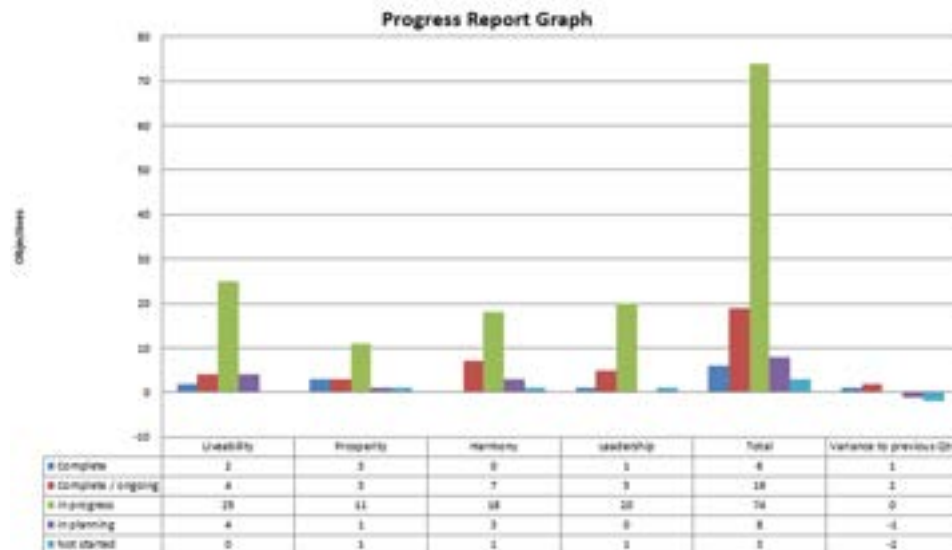
Council. A further two residencies to be delivered in SHRCC and Balranald Shire Council.

- 2.1.2.1. Establish a Terms of Reference and develop an Annual Plan with the AgriBusiness Advisory Committee** – Committee meeting every second month and have set agenda items. Invitations sent to guest speakers to address issues around housing, infrastructure, roads, employment and Committee making recommendations to Council via meeting minutes.
- 2.2.1.2. Continue to support existing businesses to grow through the implementation of the Better Approvals process** - The Better Approvals system has been refined and converted to the Business Support function. A set of guides for prospective applicants targeted towards most prevalent new business types are being finalised.
- 3.1.1.1. Engage with LGBTIQ+ community members to improve inclusion and community awareness through leadership of the Inclusion Network** - Assisted in the organisation of Thorne Harbour and Centre of Excellence of Rural Sexual Health running a LBGTQIA+ training for a range of services. Looking to continue similar training for community.
- 3.1.5.1. Work in partnership with local agencies to prevent all forms of Family Violence** - Grant Application for The Free from Violence Local Government program 2023-2026 completed and submitted on 27/09/23. It was a focus for large Rural Council areas to put in for this funding of over \$260,000 over 3 years with a part in kind and monetary contribution of Council for this important work for our communities. Grant application completed by the Gender Equality committee for \$1500 contribution towards the 16 days of activism, Violence against women.
- 4.1.2.4. Work with Town Representative groups to better plan and deliver projects** - Lake Boga Community Plan is close to being finalised. Ultima have placed their Community Plan on hold to focus on what to do next with the store that may close down. Will pick up the Community Plan next year in January/February. Nyah Riverfront Masterplan is being prepared to take to Council Assembly in mid-October for adoption. The Nyah West new toilets are now open and the old toilets have been demolished. The Nyah West Revitalising of the Shopping Precinct Project is going through the process of PAC (Project Approval Committee) approval late October. Nyah Boat Ramp BBQ Shelter is still with DEECA (Department of Energy, Environment and Climate Action) for approval and native title check. The Lake Boga BBQ Shelter is still in the planning stage, a CHMP (Cultural Heritage Management Plan) amendment is currently being undertaken. No other Community Plans are being supported at this stage, will review budget next year to determine if support for other communities is possible.
- 4.3.2.2. Review Council's advocacy strategy on an annual basis** - May and June 2023: Advocacy document was updated prior to attending ALGA (Australian Local Government Association) Conference in Canberra



The following objectives were marked from in Planning to In Progress during First quarter:

**4.2.2.3. Arrange structured tours of the municipality where Councillors and senior staff meet with key community groups** - Tours were completed on 11 Jul 2023 of Nyah West, Nyah, Swan Hill. On the 9 Aug 2023 tour of Lake Boga, Kangaroo Lake, Kerang, Goschen, Ultima with staff of VHM Ltd from the Goschen Mining Project.



### 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 2023/24 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 regard to the Council Plan and annual reporting. This quarterly report supports that compliance.

**Attachments:** 1. Council- Plan- Progress- Report September 2023 [2.14.1 - 30 pages]

## Options

1. Adopt the progress report of Council's performance against the Council Plan, for the reporting period of 1 July 2023 to 30 September 2023 as presented.
2. Adopt the progress report of Council's performance against the Council Plan, for the reporting period of 1 July 2023 to 30 September 2023 with amendments.

## Recommendation:

That Council adopt the first quarter Council Plan – Progress Report 2023/24 as presented.

## CM 2023/97 Motion

### MOVED Cr McPhee

That Council adopt the first quarter Council Plan – Progress Report 2023/24 as presented.

### SECONDED Cr Kelly

The Motion was put and CARRIED 6 / 0

## CM 2023/98 Motion

### MOVED Cr McKay

The Council defer items 2.15 Major Project Plan - Quarterly Report - For Quarter Ending 30 September 2023, 2.16 Nyah Riverfront Master Plan and 2.17

**Asset Naming Policy and Procedure Review to the December 2023 Council meeting.**

**SECONDED Cr Young**

**The Motion was put and CARRIED 6 / 0**

# COUNCIL PLAN

## PROGRESS REPORT – September 2023



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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.

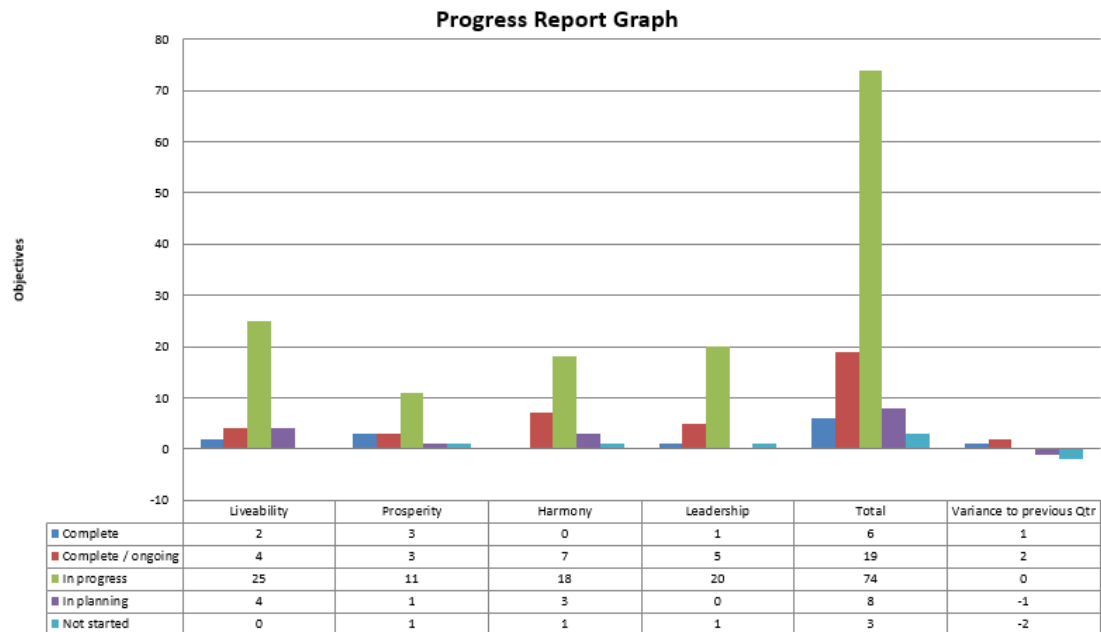


Not started - actions that have not been commenced at the time of reporting.

# 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.





**Council has made progress on the following:**

- 1.1.1.1. Finalise and implement rural living / rural residential strategy** - This Project has been awarded and work has commenced on the Study, with an expected completion date of January 2024.
- 1.2.1.3 Develop drainage strategies for key urban areas in the municipality** - A consultant has been engaged to develop the Swan Hill Drainage Strategy and Model. This project is expected to be completed by April 2024. It will provide Council with a program of specific projects to improve drainage infrastructure within the townships of Swan Hill and Robinvale to support the drainage strategy and overcome existing and future drainage issues.
- 1.3.2.1. Reinvigorate performance spaces across the area, including Robinvale Community Art Centre** Seven events have taken place to date in the theatre. Three live shows and four films. The Reception Hall, has had extensive use, with the one of the highlights being the Australian Almond Growers Forum held on August 2022. Foyer area facelift is planned for this year. Further live performances and movies are planned. Quarterly dance and drama workshops are planned to commence later in the year.
- 1.4.1.1. Deliver creative industries projects across the region** - First stage delivered in August, two residencies in partnership with Murray River Council. A further two residencies to be delivered in SHRCC and Balranald Shire Council.
- 2.1.2.1. Establish a Terms of Reference and develop an Annual Plan with the AgriBusiness Advisory Committee** – Committee meeting every second month and have set agenda items. Invitations sent to guest speakers to address issues around housing, infrastructure, roads, employment and Committee making recommendations to Council via meeting minutes.
- 2.2.1.2. Continue to support existing businesses to grow through the implementation of the Better Approvals process** - The Better Approvals system has been refined and converted to the Business Support function. A set of guides for prospective applicants targeted towards most prevalent new business types are being finalised.
- 3.1.1.1. Engage with LGBTIQ+ community members to improve inclusion and community awareness through leadership of the Inclusion Network** - Assisted in the organisation of Thorne Harbour and Centre of Excellence of Rural Sexual Health running a LBGTQIA+ training for a range of services. Looking to continue similar training for community.
- 3.1.5.1. Work in partnership with local agencies to prevent all forms of Family Violence** - Grant Application for The Free from Violence Local Government program 2023-2026 completed and submitted on 27/09/23. It was a focus for large Rural Council areas to put in for this funding of over \$260,000 over 3 years with a part in kind and monetary contribution of Council for this important work for our communities. Grant application completed by the Gender Equality committee for \$1500 contribution towards the 16 days of activism, Violence against women.

**4.1.2.4. Work with Town Representative groups to better plan and deliver projects -**

Lake Boga Community Plan is close to being finalised. Ultima have placed their Community Plan on hold to focus on what to do next with the store that may close down. Will pick up the Community Plan next year in January/February. Nyah Riverfront Masterplan is being prepared to take to Council Assembly in mid-October for adoption. The Nyah West new toilets are now open and the old toilets have been demolished. The Nyah West Revitalising of the Shopping Precinct Project is going through the process of PAC approval late October. Nyah Boat Ramp BBQ Shelter is still with DEECA for approval and native title check. The Lake Boga BBQ Shelter is still in the planning stage, a CHMP amendment is currently being undertaken. No other Community Plans are being supported at this stage, will review budget next year to determine if support for other communities is possible.

**4.3.2.2. Review Council's advocacy strategy on an annual basis -** May and June 2023: Advocacy document was updated prior to attending ALGA Conference in Canberra.

The following objectives were marked from in Planning to In Progress during First quarter:

**4.2.2.3. Arrange structured tours of the municipality where Councillors and senior staff meet with key community groups -** Tours were completed on 11 Jul 2023 of Nyah West, Nyah, Swan Hill. On the 9 Aug 2023 tour of Lake Boga, Kangaroo Lake, Kerang, Goschen, Ultima with staff of VHM Ltd from the Goschen Mining Project.

# 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. Attractive urban areas and regional townships	1.1.1.1. Finalise and implement rural living / rural residential strategy	2022/23	In Progress 	This Project has been awarded and work has commenced on the Study, with an expected completion date of January 2024.
	1.1.1.2. Complete stage 1 of Vibrant Villages project	2021/22	Complete 	Vibrant Villages stage 1 project completed (re:\$500,000 RDV funding) Nyah, Nyah West, Lake Boga and Woorinen.
	1.1.1.3. Continue to implement relevant actions of the Swan Hill Riverfront Masterplan.	2021-2025	In Progress 	Funding application submitted for the redevelopment of the Ten steps and Pentel Island Bridge. Designs and options report has been undertaken for pedestrian cross across VicTrack land - consulting with DoPT on preferred option to pursue. Water tower lighting ordered, with works to be undertaken in November.
	1.1.1.4. Complete and implement the Robinvale Riverfront Masterplan	2021-2025	In Progress 	Funding application submitted to federal government for the redevelopment of the Robinvale Riverfront precinct including new waterfront terrace. Funding application was also lodged for stage 2 Centenary Park playground. Skate Park works completed, landscape activities currently underway - with the park expected to be open start Nov 2023.
	1.1.1.5. Develop Nyah Riverfront Masterplan	2021/22	In Progress 	Project Brief has been developed to be approved by Project Approval Committee at the end of October. Once approved the works can go for tender.
	1.1.1.6. Develop Boundary Bend Riverfront Masterplan (Pending funding)	2022-2025	In Planning 	No funding in this years budget for this project - will commence once funding is available. A project bid will be made as a part of the 23/24 Budget process. Deferred to the 24/25 budget process.







	1.1.1.7. Develop a Small Town Strategy	2022/23	In progress 	Final review of report has been conducted and report will be returned to consultants for completion. Expected to be presented for Council endorsement prior to January 2024.
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 St Project - Preparations for the next four houses (stage 2) underway.
	1.1.2.3. Continue to Implement the Robinvale housing strategy	2021-2025	In Progress 	The planning for a municipality wide housing summit is underway. The construction of an additional 4 dwellings in Robinvale (stage 2) is underway.
	1.1.2.4. Continue development of Tower Hill stages	2021-2025	In Progress 	Stage 14 construction completed;10 lots have sold, 2 reserved for a future project, 6 currently under offer with the remaining 7 lots for on the market for sale. Stage 15 construction commenced and will be available for sale at the end of 2023.
	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 	On-going process. This action item will also be an item for consideration/discussion within the proposed Integrated Transport & Land Use Strategy to be initiated this financial year.
	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 Central Murray Regional Transport Group met on the 29th June 2023. A brief will be prepared and engagement of a consultant to review the strategic plan and confirm priorities. Next meeting on 26th October, 2023.
	1.1.3.5. Implement relevant actions from the CMRT strategy	2021-2025	Complete and Ongoing 	Several strategic plans as part of current strategy have been completed. A review of strategic actions to now be undertaken. Next meeting on 26th October 2023.

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 Progress 	Grant fund RV Household Education and Behaviour Change Fund - Round 2 was successful (\$60,918 Ex GST) The main focus and goal of the project is to educate and help residents to quickly adapt to and correctly use new household recycling and waste services. Council has been advised of success in two more grant fund applications: Stage 2 of Compost Facility Infrastructure \$961,400 and Transfer Station Upgrade Fund Rd 2 \$296,350. Grant application is being prepared for the purchase of a high compression mobile plastic baler through the SV Circular Economy Councils Fund Rd 3 program. Following great success with the Ag Plastic recovery trial at Swan Hill landfill late last year, a huge opportunity exists within the Loddon/Mallee region for such a facility. Grant fund is based on a 5 to 1 co-contribution arrangement. Further grant applications will be submitted when opportunities arise. No advice received as yet on SV Circular Economy Councils Fund Rd 3 application.
	1.2.1.2. Prepare an advocacy document for renewable energy resources in the municipality	2022/23	In Progress 	In light of recent developments and further review of the document some additional information has been incorporated into the draft document, and will be taken to ELT in October 2023.
	1.2.1.3. Develop drainage strategies for key urban areas in the municipality	2023/24	In Progress 	A consultant has been engaged to develop the Swan Hill Drainage Strategy and Model. This project is expected to be completed by April 2024. It will provide Council with a program of specific projects to improve drainage infrastructure within the townships of Swan Hill and Robinvale to support the drainage strategy and overcome existing and future drainage issues .



	1.2.1.4. Implement effective diversion and reuse of waste resources	2022/23	In Progress 	A grant application was submitted for the implementation of a mattress recycling process to a value of \$335k. Council was successful in its application for a Mattress Processing Facility (Grant value \$167,500 with dollar for dollar contribution from Council). Site inspection has been undertaken to determine the best location for the mattress facility. Site survey has been completed and draft layout plans prepared. Mattress project progressing.
	1.2.1.5. Develop irrigation strategies for key urban areas in the municipality	2022/23	In Progress 	Riverside irrigation upgrade project is ready for practical completion. McCallum St Shared Pathway tree and garden bed irrigation has been awarded, with McCallum Street under construction & Nyah Recreation Reserve project scope is being finalised. Receivers for smaller garden beds within 1.5 km from a cloud based controller unit are proving to be an expensive option that may not provide a cost/benefit to the community, other options being investigated. A Request For Quote, for an irrigation upgrade of the Swan Hill Recreation Reserve is being developed, to mitigate reliance on aging pumps under a current agreement.
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 	Lake Boga Skate park irrigation upgrade has been completed. Contract awarded for the Lake Boga Southern Entrance Beautification and Foreshore Irrigation Upgrade Project. Construction is expected to commence on the 1st Oct and be completed by the end of Feb/Mar 2024.
	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 	Working in partnership with Murray Regional Tourism (MRT) Council represented on the Murray River Art Trail (MRAT) working with the committee developing the plans. Consultants to be appointed next quarter. Project ongoing with Council represented on steering committee.
	1.2.2.3 Plan and construct open space development of the decommissioned Number 9 Channel	2024/25	Complete 	Landscape works complete, hydroseeding works completed in late May/early June. Practical completion to be before end of June 23.








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 	Robinvale Sports Ground lighting completed. Nyah changeroom facility requires additional funding. Work continues on finalising Swan Hill Sporting Hub design.
	1.3.1.2. Develop detailed plans for the Lake Boga - Swan Hill trail	2022/23	In Planning 	This project is still in the planning stage.
	1.3.1.3. Support initiatives leading to better outcomes for children and families	2021-2025	In Progress 	The Swan Hill Pregnancy and Early Years Expo was held on May 4th 2023 in the Swan Hill Town Hall. The Expo was well supported by local services. Attendance at the Expo was recorded as 104 adults, 68 children and 45+ service providers. There was 49 evaluation surveys completed. Feedback received will be considered in future planning. SHRCC Maternal and Child Health Service participated in the Robinvale and Euston Pregnancy and Early Years Expo at the Robinvale Leisure Centre on September 8th 2023.
	1.3.1.4. Partner with agencies to address preventable illnesses and active lifestyles	2021-2025	In Progress 	Council services continue to partner with other agencies and networks on health and wellbeing initiatives benefitting all age cohorts, from early years to youth and elderly. These partner organisations include Swan Hill District Health, Mallee Family Care, Robinvale District Health, Robinvale Our Place, headspace, Murray Valley Aboriginal Cooperative. Recently Council has been participating in the an initiative led by the Centre for Excellence in Rural Sexual Health to trial a STI Test vending machine that will be trialled in Swan Hill.
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	Complete and ongoing 	Seven events have taken place to date in the theatre. Three live shows and four films. The Reception Hall, has had extensive use, with one of the highlights being the Australian Almond Growers Forum held in August 2022. Foyer area facelift is planned for this year. Further live performances and movies are planned. Quarterly dance and drama workshops are planned to commence later in the year.
	1.3.2.3. Review and implement the public art policy	2021/22	Complete 	Public Art Policy formally adopted by Council 15 March 2022.




1.4. Foster Creative and Cultural opportunities				
TRATEGIC 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 	First stage delivered in August, two residencies in partnership with Murray River Council. A further two residencies to be delivered in SHRCC and Balranald Shire Council.
	1.4.1.2. Support local creatives in developing their businesses (Arts Action)	2022/23	Complete and Ongoing 	Go North Arts Festival delivered in September engaged 9 visual artists and 19 musicians, technicians and arts workers for workshops and performances. Ongoing public programs through workshops and concerts to be held at the gallery will offer more opportunities for local creatives.
	1.4.1.3. Enhance artistic outreach programs in smaller towns and communities, including Fairfax Youth Initiative and ACRE programs	2022/23	In Progress 	Attendance and the number of shows presented at the Swan Hill Town Hall has increased with four of our casual venue technicians attending the Tech Connect course ran by the Arts Centre Melbourne. Winter Arts Market was presented with again over 1000 in attendance. The Go North Arts Festival was moved to the town hall.









**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. April 22 - Attended the funding announcement for the purchase of electric and Hybrid Vehicles. Recent meeting and Tour at Sunitafe Swan Hill.
	2.1.1.2. Advocate for the establishment of an education hub in Swan Hill	2023/24	In Progress 	Councillors supported grant application for Federal funding of a Country Universities Centre in Swan Hill. Application submitted March 2022. Grant application successful. Commonwealth Agreement currently being drawn up between the Government and the board of Community University Centre – Mallee.
	2.1.1.3. Support effective and responsive early years education opportunities in Manangatang, Woorinen South and Swan Hill	2023/24	In Progress 	The State Government of Victoria has begun the process of updating the Kindergarten Infrastructure and Service Plan(KISP) for all LGAs including SHRCC. New data including updated Victoria in Future (VIF) population projections will be available in the third quarter of 2023. This will be incorporated into estimates of unmet demand for three and four year old kindergarten. Council has contracted Local Logic Consultant to undertake the Robinvale Early Childhood Education and Care Consultation and research to understand the demand for early years services in Robinvale and to revisit the implications for Manangatang and Woorinen South early years infrastructure needs in light of the rollout of three and four year old kindergarten.

	2.1.1.4. Assist youth with diverse employment pathways through the Empower and Engage! Programs	2022/23	Complete and ongoing 	Empower and Engage programs focusing on Manangatang and Robinvale - established links with Student Representative Councils at both schools, and regular presence in both towns. Ongoing.
2.1.2. Support our key industries	2.1.2.1. Establish a Terms of Reference and develop an Annual Plan with the AgriBusiness Advisory Committee	2022/23	Complete 	Committee meeting every second month and have set agenda items. Invitations sent to guest speakers to address issues around housing, infrastructure, roads and employment and Committee making recommendations to Council via meeting minutes.
	2.1.2.2. Consider the establishment of an Industry Support Committee (Manufacturing and other)	2022/23	In Progress 	Discussion with Swan Hill Inc about the possible reactivation of the Industrial Committee. Preparation of a report to ELT and the Council on the benefit of establishing an Industry Support Committee given that the future development of industry and manufacturing is likely to feature in the Draft Economic Development Strategy. Presentation of report in August 2022. Listed for discussion with Swan Hill Inc at the April 2023 meeting of representatives and Council Officers before reporting to ELT and Council. Preparation of draft terms of reference to enable consideration by Swan Hill Inc. Will progress further once Economic Development Strategy has been adopted. Provision of new land for industry has been identified as a priority.
	2.1.2.3. Review the Economic Development Strategy to ensure a targeted focus on key outcomes	2022/23	In Progress 	Awaiting adoption of Economic Development Strategy to commence work on actions identified.
	2.1.2.4. Develop a strategic plan for future success of the Pioneer Settlement	2023/24	In Planning 	This will commence once approval given via Heritage Victoria on exact location of Pioneer Settlement building. Known tender will commence for strategic planning.
	2.1.2.5. Develop an Economic recovery plan in response to Covid-19	2021/22	Complete 	A response plan was developed in late 2020 and is complete
	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	Complete 	Committee met on 27th June 2023. Successful meeting with engaged stakeholders. Next meeting on 12 December 2023.

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 Currently reviewing resourcing for this work to commence and looking for potential external funding streams.
	2.2.1.2. Continue to support existing businesses to grow through the implementation of the Better Approvals process	2021-2025	In Progress 	The Better Approvals system has been refined and converted to the Business Support function. A set of guides for prospective applicants targeted towards most prevalent new business types are being finalised.
	2.2.1.3. Actively pursue the establishment of a designated area migration agreement (DAMA)	2021-2023	In Progress 	All options for enabling temporary and permanent people to work in the region are being explored.

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 	Funding application successful. Sites being determined and infrastructure to be installed early 2024. Awaiting advice from applicant as to when works will commence.
	2.3.1.2. Seek innovative solutions for broadband and mobile connectivity	2022/23	Complete and ongoing 	Funding application successful for new towers to support Woorinen, Nyah, Piangil and Murray Downs. Sites being determined and infrastructure installed 2024. Awaiting advice from applicant as to when works will commence.
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 	Consultants completed the High Performance Freight Vehicle (HPFV) strategy for both SHRCC and Gannawarra Shire. This strategy will be used for future grant fund applications. Final study report was received with report presented to the Council meeting held on Tuesday 21 March. The Report well received by Council and will be used for prioritising road projects for future grant applications and Council works programs.
	2.3.2.2. Deliver and review Councils capital works program and Major Projects Plan each year	2021-2025	Complete and ongoing 	The following assets have been created within this reporting period. The Swan Hill Dry Fitness Room project has been completed and opened to the public. The John James Oval lighting project has been completed. Nyah West Toilet block project has been completed.
	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 	AMP's for all asset classes being progressed: <ul style="list-style-type: none"> <li>- Transport last updated 2022/23, new condition inspections due next financial year.</li> <li>- Stormwater updated for 2023/2024, presented to ELT and to go to assembly SEP/OCT</li> <li>- Openspace AMP expected completion of initial draft NOV23, reval being bought forward to 2023/24 so this will be used for final modelling</li> </ul> Other portfolios to be completed require the following prior to completion. -Building Asset Condition Inspection (last completed 2017) -Buildings, Rec & Leisure will both require significant stakeholder consultation Pioneer Settlement may require heritage consultant due to nature of the assets
	2.3.2.4. Continue to plan and seek funding to implement the development of community infrastructure	2021-2025	In Progress 	Robinvale Riverfront Masterplan - Funding is being sought to deliver this project. Still requires a Cultural Heritage Management Plan to be completed and detailed designs are in progress. Robinvale Skate Park concrete works are almost complete, next steps are too grass and irrigate surrounding area of the skate park. Local Roads Community Infrastructure Projects Round 2,3,4 Lake Boga Southern Entrance tender
















				has been awarded. Nyah & Nyah West Football Netball Club Change Rooms still in design phase. Country University Centre - Malee (Regional University Centre) internal works almost complete and Centre Manager appointed. Growing Regions Fund waiting for responses from funding body.
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**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 	Assisted in the organisation of Thorne Harbour and Centre of Excellence of Rural Sexual Health running a LBGQTIA+ training for a range of services. Looking to continue similar training for community.
	3.1.1.2. Support co-designed development of multicultural events and activities	2022/23	Complete and Ongoing 	Council continues to support co designed events and activities, such as Harmony day and Robinvale lantern Festival.
	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	In Progress 	Planning has commenced for Harmony Day 2024. Robinvale Lantern Festival was held 8 September 2023.
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	Complete and ongoing 	Robinvale Youth Group and Manangatang Student Representative Council operates with a co-design model for all events. Creation of homework club in Robinvale has positively impacted school attendance and grades.
	3.1.2.2. Ensure young people are involved in co-design of annual events	2023/24	Complete and ongoing 	Robinvale Youth Group is active with 18 current members- weekly meetings. NOVO Youth Council Active with 8 members - weekly meetings. Sexuality and Gender Alliance Group active with 20+ members - weekly meetings
	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. Application for Federal Restart Investment to Sustain and Expand (RISE) submitted, successful with \$251,000 grant in early March 2022. Artistic Director appointed and under contract, work has begun on establishment of a governing body. A further \$50,000 grant from the Commonwealth was successful in December 2022. The 2023 events are underway with workshops and grant

				expenditure for the key events. The interim governing body is overseeing the works.
	3.1.2.4. Undertake the youth wellbeing actions from the Youth Strategy, specifically mental and sexual health.	2023/24	Complete and ongoing 	Empower and Engage programs focusing on Manangatang and Robinvale on mental health as a result of Covid. A Sexual Health presentation was delivered in 2023 through partnerships with Swan Hill College and was delivered to 104 year 8 students over a day in August 2023. This will continue into 2024 with schools in our area and community groups. There will also be Mental Health First Aid Training completed in Robinvale for College staff and students late 2023.
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	In Progress 	Volunteer Day was celebrated in December 2022, and an action plan is being developed for the region to encourage great volunteerism.
	3.1.3.2. Provide support and training (Governance, Leadership and Strategic Planning) for our small town progress/improvement groups	2022/23	In Progress 	Information has been provided on Governance to the Piangil Community Group and Piangil Memorial Park Committee. Community Plan consultation has begun with Lake Boga Progress association. The Nyah District Action Group are currently going through strategic planning for the Nyah Riverfront Masterplan. Council are currently working on a project proposal to develop resources for Governance, leadership and Strategic Planning on a web portal. Ongoing support being provided to all Town Community Groups.
	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, this is ongoing.
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. Detailed work on the aged care needs of the region is underway, from November 2022 to March 2023.
	3.1.4.2. Determine Council's role in aged care services	2022/23	In Progress 	Information update was provided to Councillors on current status of aged care reform in February 2022. New Commonwealth Government confirmed one-year extension to changes (1 July 2024). Detailed work on the aged care needs of the region is underway, from November 2022 to March 2023 with engagement of a consultant, to examine options, and enable a Council decision by 30 June 2023. A draft report was held for Councillor and staff update on 4th April 2023, another session on 6th June with in-principle decision at 20th June Council Meeting.
	3.1.4.3. Undertake actions in the Municipal Early to Middle Years Plan associated with improving services to	2022/23	In Progress 	SHRCC MCH and MDAS have developed a new partnership under a Memorandum of Understanding to deliver a MCH service for Aboriginal and Torres Strait Islander families at






	greater assist vulnerable families			MDAS. Due to ongoing challenges in recruiting a suitably qualified MCH Nurse this new partnership has been formed and MCH Nurses employed by SHRCC are contracted by MDAS to deliver MCH Services.
	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. Planning for Mental Health Week events underway, Youth Ball and Youth Arts Festival held during October 2022. Accessibility support agencies now involved in major events such as Harmony Day, such as headspace, Sunraysia Mallee Ethnic Communities Council, and Mallee Family Care.
	3.1.4.5. Review Community Access and Inclusion Strategy (CAIS).	2021/22	In Progress 	Community Access and Inclusion Strategy currently has no funding has been identified to assist with this, staff will look at alternatives to review the strategy in 2023-2024. An allocation to undertake this work has been included in the draft 2023-24 Budget.
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 	Grant Application for The Free from Violence Local Government program 2023-2026 completed and submitted on 27/09/23. It was a focus for large Rural Council areas to put in for this funding over \$260,000 over 3 years with part in kind and monetary contribution of Council for this important work for our communities. Grant application completed by the Gender Equality committee for \$1500 contribution towards the 16 days of activism, Violence against women.
	3.1.5.2. Develop and implement a Gender Equality Action Plan (GEAP)	2021/22	Complete and ongoing 	People Matters Survey completed in July, results to come to a Council meeting next quarter. GEAP continue to be implemented. There are 32 actions in the GEAP 17 have been completed, progress has also been made on 10 other actions.
	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	In Planning 	A list of potential community safety projects is being compiled for potential funding submissions, including CCTV in public parks. Potential for Riverside Swan Hill CCTV and safety fencing project in Caix Square Robinvale. Awaiting suitable funding rounds to open.

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	In Planning 	Registration has been paid and have a Registered Aboriginal Plan ID. Funding available in the 2023/2024 budget. Draft invitation for a consultant being developed.
	3.2.1.2. Adequately resource Aboriginal Engagement	2022/23	In Progress 	New Council web page dedicated to engaging with local Aboriginals on key elements including welcome to country ceremonies, public art program and project developments. Aboriginal Officers hours have increased. Web page being developed as part of the redevelopment of Council's webpage.
	3.2.1.3. Support our Aboriginal community to work towards a treaty or treaties	2021-2025	Not Started 	Extra funding for Aboriginal support needs to be achieved to enable this work to proceed.
3.2.2. Encourage and support community leadership	3.2.2.1. Continue to offer Aboriginal scholarships and leadership opportunities	2021-2025	In Progress 	Scholarships advertised and a new scholarship student will commence in IT in November.
	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 and will be part of the planning for the new cultural and tourism hub at the Pioneer Settlement. Planning is underway for the development of Pentel Island as a cultural tourism experience
	3.2.2.3. Proactively support leadership within our Aboriginal community	2021-2025	In Progress 	Council to be briefed on the treaty process. First Nations Advisory Committee formed.
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 Progress 	Application for funding for planning for Pentel Island successful. Consultants were engaged and completed their work in June 2023. Final Pentel Island plan presented to Council and adopted in June 2023. Funding being sought to implement Pentel Island Plan.
	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 	Creating opportunities for First Nation Artists of the region to contribute to design elements of gallery redevelopment. Programming of exhibitions featuring increased number of regional First Nation artists is ongoing.
	3.2.3.3. Support Aboriginal and Torres Strait Islander days of significance	2021-2025	Complete and Ongoing 	Participated in 2023 events by supporting our First Nations Community.











**4. 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 	Staff reviews have been completed, training plans are being developed.
	4.1.1.2. Promote a culture of continuous improvement with a focus on efficiency and customer service	2021-2025	In Progress 	Ongoing work will see improvements when the IT strategy is implemented and changes to customer interactions. June 22 LGA implementation completed with over 30 new policies, and plans that will impact on how we do business and improve customer service. Current roll out the new HR and payroll system is ongoing. Financial hardship policy updated. PMO continues to work on the project framework and reporting. Agenda Management software to improve the council meeting agenda, minutes and actions, DocAssembler, has been implemented. DocuSign is now being utilised across the organisation for electronic signatures. Customer service is currently working on customer engagement process with the view of improving customer satisfaction.
	4.1.1.3. Embed rigor in our planning process to ensure long-term sustainability and continuity of Council's services	2021-2025	In Progress 	2022 Annual Report completed, Local Government Performance Reporting submitted and Service Performance report completed. 10 Year Major Project Plan approved, Council adopted 2022/23 Budget at its June Council meeting.
	4.1.1.4. Develop and implement a Workforce Development Plan	2021/22	Complete and ongoing 	Workforce Development Plan completed and approved in December 2021. Actions from the Workforce Development Plan are being implemented.
4.1.2. Provide robust governance and effective leadership	4.1.2.1. Implement a Project Management Framework and system	2021/22	In Progress 	Rolling out of the framework and training to all staff are in progress. Project Approval Committee (PAC) has met twice so far and has assessed and provided feedback for 30 projects in year 1. Project management templates are currently used by the Project Management Office (PMO) to highlight the project status, exceptions and variations.


	4.1.2.2. Develop and implement a Strategic Asset Management plan and supporting Asset Management plans	2021/22	Complete and ongoing 	Strategic Asset Management Plan (SAMP) ratified at Council meeting 14 June 2022. The Transport Asset Management Plan (TAMP) and Stormwater Asset Management Plans (SWAMP) have been updated. Fleet and Open Space Asset Management Plan's due this financial year
	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. Two Councillors and CEO attended the ALGA Conference in Canberra in June 2022 and June 2023. New Councillor has attended 2 MAV sessions in March 2023
	4.1.2.4. Work with Town Representative groups to better plan and deliver projects	2021-2025	In Progress 	Lake Boga Community Plan is close to being finalised. Ultima have placed their Community Plan on hold to focus on what to do next with the store that may close down. Will pick up the Community Plan next year in January/February. Nyah Riverfront Masterplan is being prepared to take to Council Assembly in mid-October for adoption. The Nyah West new toilets are now open and the old toilets have been demolished. The Nyah West new toilets are now open and the old toilets have been demolished. The Nyah West Revitalising of the Shopping Precinct Project is going through the process of PAC approval late October. Nyah Boat Ramp BBQ Shelter is still with DEECA for approval and native title check. The Lake Boga BBQ Shelter is still in the planning stage, a CHMP amendment is currently being undertaken. No other Community Plans are being supported at this stage, will review budget next year to determine if support for other communities is possible.
<b>4.1.3.</b> 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	Complete and Ongoing 	All projects' scope of work are delivered within the approved budget and the timeframe. The Swan Hill Leisure Centre and Robinvale Leisure Centre Projects were approved for essential extra works which marginally exceeded the original budget allocation.
	4.1.3.2. Working to budget and ensure future planning to meet financial needs	2021-2025	Complete and Ongoing 	Preparation of the 2022/23 financial statements have been undertaken in July and August, with the audit of financial statements undertaken mid August. The statements were presented to the Audit and Risk Committee 7 September, and Council meeting 19 September for in-principle adoption. It shall then be signed off by the Victorian Auditor General Office. Preparation of the 10 Year Major Projects Plan has begun with the adoption of the plan scheduled for December.



	<p>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</p>	<p>2022/23 &amp; 2024/25</p>	<p>Not Started</p> 	<p>Not commenced, the intent is to use the internal auditor services once appointed to complete this work.</p>
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4.2. Transparent communication and engagement				
STRATEGIC INITIATIVES	ACTION	DUE DATE	PROGRESS	COMMENTARY
	4.2.1.2. Embed the Community Engagement principles and practices across the organisation	2023/24	In Progress 	Investigating training options. CECC has commenced additional modules.
	4.2.1.3. Build constructive relationships with special interest groups in our community	2021-2025	In Progress 	This is ongoing and will continue to change as projects are initiated and progress.
	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	Complete 	Complete - media monitoring will continue to be ongoing.
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	In Progress 	Chief Executive Officer (CEO) and Deputy Mayor joined Murray River Group of Council's on an advocacy trip to Canberra. Mayoral or CEO visits to Robinvale to meet with Community members monthly. Mayor and Senior Staff met with Minister Shing for Regional Development in Robinvale on April 20. Robinvale Concept design workshop for residents to attend and on 18 May. Drop in sessions were held in Robinvale for the skatepark and nature play. Community Comfort centre biggest morning tea attended by 2 Councillors and Director. PS Gem Exhibition opening 22 June attended by Councillors and Senior Staff. Pental Island Group re started. Community group engagement in relation to key projects for example the Art Gallery and Cultural and Tourism Hub.
	4.2.2.2. Continue quarterly Coffee with a Councillor around the municipality	2021-2025	In Progress 	Coffee with a Councillor is undertaken on a monthly basis and being shared across all locations in our municipality. We are receiving positive feedback and valuable actions. This is ongoing.
	4.2.2.3. Arrange structured tours of the municipality where Councillors and senior staff meet with key community groups	2022/23	In Progress 	Tours were completed on 11 Jul 2023 of Nyah West, Nyah, Swan Hill and 9 Aug 2023 to Lake Boga, Kangaroo Lake, Kerang, Goschen, Ultima with staff of VHM Ltd from the Goschen Mining Project.
	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	Complete and Ongoing 	Robinvale Euston Workforce Network (REWN) established with external funding in May 22, and Council is a partner with the Coleman Foundation program in Robinvale which supports the REWN. The REWN has now met in February and is overseeing a suite of Government grants, which is refining the governance structure into a formal entity. Three projects have been supported to assist improving the local workforce.
	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, took place 31 March 2022. Council is a partner is the local Health and Wellbeing, LGBTIQ+ and Mental Health committees, and supports their ongoing initiatives. Council is now divided between two Primary Health Units (Mallee and Murray) and initial reference group meetings held in March 2023.
	4.3.1.4. Continue to support and work with Swan Hill Incorporated	2021-2025	In Progress 	Annual Budget and Marketing Plan adopted by Council. Continuation of regular meetings with Swan Hill Inc. Executive and Council Officers.
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: 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 four houses in Ronald St Robinvale, part funded by State Government Grant. Various studies on housing opportunities in Robinvale and the region were completed in 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 	May and June 2023: Advocacy document was updated prior to attending ALGA Conference in Canberra
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

	<p>4.3.3.2. Continue to work with Murray River Tourism and Swan Hill Incorporated to promote the municipality</p>	<p>2021-2025</p>	<p>In Progress</p> 	<p>24 Aug 2023: Presentation and discussion with MRT Board.                      5 Sept 2023: MRT CEO presented to Councillor Assembly                      19 Sept 2023: Council approved signoff of a new MoU</p>
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## 2.15 Major Project Plan - Quarterly Report - For Quarter Ending 30 September 2023

**Directorate:** Corporate Services  
**File Number:** NA  
**Purpose:** Information Only

### Council Plan Strategy Addressed

**4. Leadership** - We will ensure accountable leadership, advocacy and transparent decision making.

#### 4.1 Excellent management and administration

4.1.2 Provide robust governance and effective leadership

### Current Strategic documents

10 Year Major Project Plan

### Declarations of Interest

Council Officers affirm that no general or material conflicts need to be declared in relation to the matter of this report.

### Summary

This report provides an update on the status of projects managed by the Project Management Office (PMO) of Swan Hill Rural City Council. It focuses on projects that are large, specialized, or challenging. The report covers completed projects from the last three months and provides an overview of ongoing projects. The Council is presently conducting training sessions for all staff members, emphasizing the significance of a well-defined governance structure, along with the associated processes and tools for effective project management.

### Discussion

A significant accomplishment for the PMO was the review of over forty project proposals by the Council's Project Approval Committee (PAC), followed by the initiation of training and information sessions for all Council staff.

In the past three months, the PMO has seen notable progress, with six out of nineteen active projects successfully reaching completion. The PMO has dedicated efforts to implementing the Project Management Governance Framework and enhancing the skills of individuals involved in projects, ensuring they are proficient in using the new templates and reports. The PMO is committed to maintaining a rigorous approach to planning, promoting transparency, and enforcing governance across all projects.



For specific details on completed and ongoing projects, please refer to Appendix 1.

**Project Exceptions:**

- Robinvale Leisure Centre Expansion: The project is currently behind schedule by 6 weeks, experiencing a change in scope, and there is a 1% risk to the budget.
- Robinvale Playground: The project is currently delayed by about 2 months. The project sponsor is collaborating closely with the designers to ensure the best possible outcome for the community.
- Swan Hill Leisure Centre - Dry Fitness Room: The project has been successfully completed and is now open for public use. It had an exceeded budget by 3% due to the addition of an audio system and other minor works. The additional cost was covered using Council rates.

The projects with exception reports are detailed in the attachment.

Council successfully completed the following projects worth almost \$3M within the last three months.

1. Robinvale Skate Park – This project was generously funded by the Sports and Recreation Victoria, with the Council providing the remaining 50% of the funding.
2. Swan Hill Leisure Centre: Dry Fitness Room – The project was funded through the generous support of the Local Road Community Infrastructure (LRCI) - Round 2, supplemented by Council rates.
3. Activation of Lighting and Digital Content in Pioneer Settlement – This project was funded by the Department of Jobs Precincts and Regions through the Regional Tourism Investment Program - Stimulus Round, supplemented by the Council rates.
4. Riverside Park Irrigation and Pump Shed Upgrade – This project was funded gratefully by the Local Roads Community Infrastructure (LRCI) Round 2, supplemented by the Council rates.
5. John James Lighting - The majority of the project funds were provided by the Sports and Recreation Victoria, while the remaining balance was supplemented by contributions from the Robinvale Euston Football Netball Club and the Council.
6. Nyah West Revitalisation Toilet Block – This project was funded by Local Road Community Infrastructure (LRCI) - Round 2, supplemented by Council rates.

The details of the completed projects are provided below.



## Projects completed in the last quarter

### Robinvale Skate Park

The project aimed to build a regional-level Skate Park to promote and enhance participation in activities such as skateboarding, BMX biking, scootering, and rollerblading in the Robinvale region. The construction phase has been successfully concluded within the allocated budget, achieving a four-week lead on the projected timeline, and meeting the prescribed quality standards, as verified by an independent engineer.

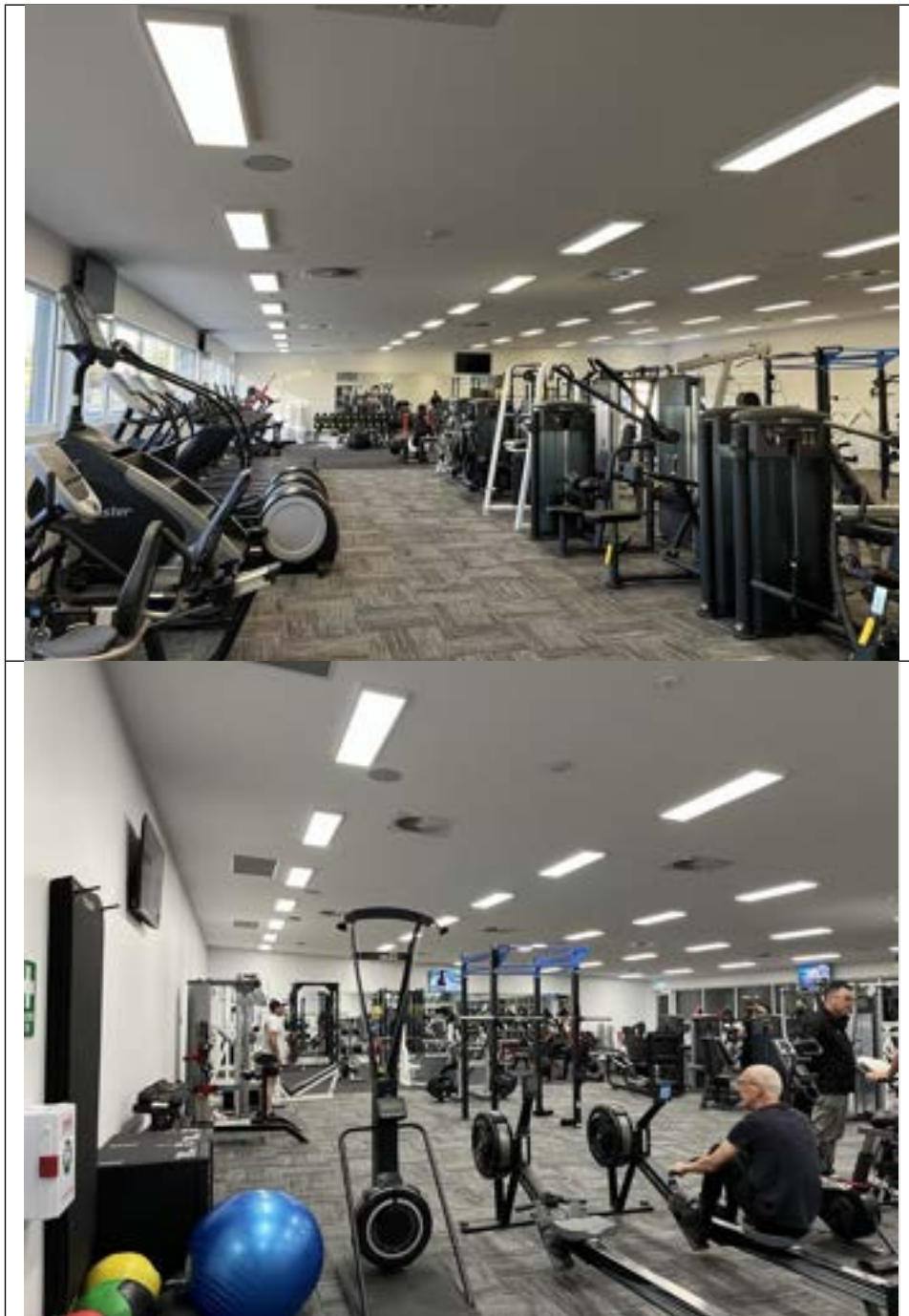
At present, landscaping efforts are in progress, playing a vital role in guaranteeing the safe functioning of the skate park. These tasks will be completed before the facilities are made available for public use.



## Swan Hill Leisure Centre – Dry Fitness Room

This initiative was launched with the aim of expanding the current facility by adding a fitness area, thereby boosting its visitor capacity, programming capabilities, and enabling concurrent service offerings.

The project was completed and was officially unveiled to the public on 7<sup>th</sup> September 2023. It's worth mentioning that the project incurred a budget overrun of approximately \$29,000, constituting roughly 3% of the total allocated budget. The deficit was supplemented by the Council rates.



## Activation of Lighting and Digital content in Pioneer Settlement

This project entails the design and installation of a state-of-the-art digital production material and infrastructure for the Sound and Light Show at the Pioneer Settlement.

The scope encompasses the creation of fresh content focused on local Aboriginal cultural heritage, early settlement experiences, and the augmentation of the existing water laser show. Additionally, it involves the integration of additional cutting-edge sound and light activities across the Pioneer Settlement, leveraging the latest in artistic entertainment technology.

The development of this project is poised to elevate the region's stature as one of the premier heritage attractions in Australia. It's worth noting that this project secured a Heritage Exemption from Heritage Victoria. Notably, the project was not only completed within budget but also met the satisfaction of key stakeholders and the public.



## Swan Hill Riverside Park Irrigation and Pump Shed Upgrade

The Riverside Park Irrigation project was carried out to enhance water efficiency by implementing advanced technologies such as remote-controlled, timed, and moisture-sensing systems. Additionally, for safety considerations, it aimed to replace an existing pump facility.

The project successfully accomplished these goals by introducing new irrigation mains, a state-of-the-art concrete pump, a pump-shed, a dedicated suction line from channel number 10, and an upgraded electrical system. The project commenced in July 2021 and was implemented in four stages.

The project was intricate, primarily due to stringent deadlines aligning with irrigation seasons, compliance with GMW licensing and CHMP requirements, agreements with Powercor, and challenging ground conditions owing to existing underground infrastructure, electrical cables, former sprinkler systems, flooding, trees, boring, trenching, subsidence, clay soil type, IT connectivity issues, and multiple shifts in contractor staffing.

The completed project has now been transitioned to the Council's operations team, equipped with an automated controller and a modernized irrigation system.





## Robinvale John James Lighting

The purpose of this project was to install four new lighting systems at John James Oval, enabling it to host nighttime AFL training sessions and local-level competitions in accordance with Australian standards.

All tasks outlined in the contract have been successfully executed, except for removing five non-compliant light poles. This responsibility falls to the club members, who will handle their removal.



## **Nyah West Revitalisation Toilet Block**

The main objective of this project was to build a new toilet block for the community while demolishing the old one. The new facilities are now open to the public, and the old block has been successfully removed.



### **Financial Implications**

Nil.

### **Social Implications**

Nil.

### **Economic Implications**

Nil.

### **Environmental Implications**

Nil.

### **Risk Management Implications**

Nil.

**Attachments:** 1. MPP Quarterly Report For Quarter Ending 30 September 2023 [2.15.1 - 1 page]

**Recommendation/s**

**That Council receive and note the report.**



## Major Projects Progress Update – Mar 2023

Major Projects Plan (MPP) - Quarterly Report - September 2023				
Location	Project Title	Overall Project Status	Work completed %	Forecasted completion date*
Swan Hill	SH Town Hall Exterior Refurbishment		95%	Nov-23
Robinvale	Robinvale Leisure Centre Expansion	Behind schedule	95%	Nov-23
Robinvale	Robinvale Skate Park		100%	Dec-23
Robinvale	Robinvale Playground	Behind schedule	25%	Jun-24
Swan Hill	Boardwalk and Viewing Platform- Monash Drive		65%	Nov-23
Swan Hill	Swan Hill LC-Dry Fitness room	Over budget	100%	Completed
Lake Boga	LRCIP3 - Lake Boga Southern Entrance Beautification Project		25%	Feb-24
Swan Hill	Butterworth St- Road & Drainage upgrade		30%	Jun-24
Swan Hill	Landfill Waste Cell Construction		20%	Jun-24
Swan Hill	Activation of Lighting and Digital Content in Pioneer Settlement		100%	Completed
Swan Hill	LRCIP2 - Riverside Park Irrigation & Pump Shed Upgrade		100%	Completed
Robinvale	John James Lighting		100%	Completed
Swan Hill	SH Art Gallery Redevelopment - Design & Construction		25%	Apr-25
Swan Hill	SH Tourism and Cultural Hub @ P/S - Design & Construction		20%	Jun-25
Nyah West	Nyah West Footpath		85%	Oct-23
Robinvale	Robinvale Leisure Centre Splash Park		70%	Nov-23
Nyah West	Nyah West Revitalisation - Toilet Block		100%	Completed
Nyah West	Revitalising Nyah West Shopping Precinct		10%	Mar-24
Lake Boga	Fish Point Road Reconstruction		50%	Nov-23
Lake Boga	Tresco West Road Reconstruction		80%	Nov-23
Internal	Element Time		100%	Completed

\*Subject to weather conditions and any other unforeseen delays

## 2.16 Nyah Riverfront Master Plan

**Directorate:** Development and Planning  
**File Number:** S01-27-09-06\*  
**Purpose:** For Adoption

### Council Plan Strategy Addressed

**1. Liveability** - 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**

1.1.1 Attractive urban areas and regional townships

1.1.2 Ensure adequate provision of a variety of safe and secure housing

1.1.3 Excellent transport links to allow ease of movement

### Current Strategic documents

Council Plan  
10 Year Financial Plan  
10 Year Major Project Plan  
Nyah/Nyah West Community Plan 2021 - 2026

### Declarations of Interest

Council officers affirm that no general or material conflicts need to be declared in relation to the matter of this report.

### Summary

This report seeks Council endorsement of the Nyah/Nyah West Riverfront Master Plan for implementation.

### Discussion

After extensive consultation with members of the Nyah and Nyah West communities, the Nyah Riverfront Master Plan has reached its definitive version. The master plan is now ready for adoption by Council.

Some elements of the master plan relating to Nyah West are currently being delivered through the Living Local Regional Grants Program. These elements include the following:

- Installation of a new toilet block which is now operational and open to the public.
- Demolition of the Maternity Health Building and the original toilets.

Elements that are expected to be completed by June 2024 include;

- Pedestrian path realignment at the site of the original toilets that have now been demolished.
- Nyah West Post Office streetscape works including nature strip, DDA pram access, improved drainage, and seating.
- Junior play area minor upgrade including;
  - Junior swing with soft fall
  - Realignment of security fencing to create more space for extra equipment
  - Relocation of dining set
  - Tree planting outside perimeter of fence to increase shade
- Senior play area partial upgrade including;
  - Rope based play element with jumping element
  - Combination swing including DDA basket swing
  - Associated soft fall
  - Dining set
- Power upgrade to BBQ shelter to 15amp, new socket outlets and update electrical board.
- BBQ shelter furniture upgrade
  - Install dual top BBQ
  - Install two new dining sets, reutilising existing unit in other locations

Other elements of the Master Plan are scheduled for delivery in year 4 of the 10-year Major Projects Plan. These projects will be scoped in preparation for the funding when it becomes available. Having fully scoped projects will allow the opportunity to apply for grants if they became available.

## Consultation

Extensive consultation over a period of 18 months has been completed with the Nyah District Action Group and the broader communities in both Nyah and Nyah West including local First Nations representatives of the Bush Bank Group.

Members of the broader community commented on the master plan at a general meeting of community residents at the Nyah Community Centre where a written response was drafted then supplied to Council Officers for inclusion within the master plan.

Several additional meetings with the Nyah District Action Group and the Nyah and Nyah West communities were held at both the Nyah Community Centre and the Nyah West BBQ shelter in the community park. Leaflets were distributed with QR codes directing input to the *Let's Talk* portal. Letters were also sent to the residents in River Steet.

Over the consultation period the Nyah District Action Group has been the primary contact for the development of the master plan with input from other members of the community including children.

## Financial Implications

- Council has commitments in the 10 Year Major Projects Plan for year 4,5 and 6 totalling \$500,000 from rates to implement elements from the master plan. It is expected that an additional \$500,000 will come from grants.

- The funding that has been identified in the Major Projects Plan would complete all the remaining projects identified in the master plan.

Master plan implementation grants/funding to date;

- \$500,000 (LRCI (Local Roads and Community Infrastructure) Round 4) - Nyah Community Centre Changeroom Refurbishment project
- \$165,000 (LRCI Round 3) - Nyah West toilet block and asset disposal
- \$195,000 - (Living Local Regional Grants Program)
- \$30,000 - Community Planning allocation Nyah West Community Park

### **Social Implications**

It is expected the adoption and implementation of key projects from the master plan will have significant positive social outcomes on both the Nyah and Nyah West communities and create more liveable public space for the community to use and enjoy.

### **Economic Implications**

The delivery of key projects will attract more local and regional tourists to the Nyah and Nyah West townships increasing the opportunity for local economic benefit through the increased visitation and use of these public spaces.

### **Environmental Implications**

The planting of trees in AN Lewis Park will assist with succession planning (planting). Tree species will be in keeping with the existing trees found in the river environment and will not be intended to impede views, but rather provide for shade and natural tree attrition.

### **Risk Management Implications**

Community expectations will continue to be managed via the process of community engagement and consultation.

The costs of individual projects will need to be scoped and costed prior to delivery to ensure that sufficient funds are available.

**Attachments:** 1. 211202 S S\_ Nyah Riverfront Landscape Masterplans - Final Landscape Concept Plan [ FINAL ] 231016 sa [2.16.1 - 4 pages]

### **Options**

1. That Council adopt the Nyah Riverfront Master Plan for implementation
2. That Council not adopt the Nyah Riverfront Master Plan

### **Recommendation/s**

**That Council adopt the Nyah Riverfront Master Plan for implementation of the projects listed and subject to the allocation of funding to complete all the actions identified.**

# Landscape Concept Design Package

## NYAH RIVERFRONT LANDSCAPE MASTERPLANS

**CLIENT CONTACT:**  
Swan Hill Rural City Council

**Dione Heppell**  
Development Officer Community  
e: dione.heppell@swanhill.vic.gov.au  
p: 03 5036 2447

**PROJECT ADDRESS:**  
Nyah & Nyah West,  
Swan Hill, VIC  
3594 / 3595

**PROJECT PHASE:**  
**Final Landscape Concept Plan**

**Issue: 3 29.05.23**

**DRAWING REGISTER:**

DRAWING NO.	DRAWING TITLE	SHEET	REV.
LSK-000	Cover Page	1	01/01/23
LSK-100	Landscape Concept Plan (Nyah)	2	01/01/23
LSK-101	Landscape Concept Plan (Nyah)	3	01/01/23
LSK-200	Landscape Concept Plan (Nyah West)	4	01/01/23

**CONSULTANT CONTACT:**  
Pollen Studio P/L

**Fyrrn Hart**  
Director / Registered Landscape Architect  
e: fyrrn@pollenstudio.com.au  
p: 03 9329 7548  
m: 0418 566 939

**Matt McKone**  
Landscape Architect  
e: matt@pollenstudio.com.au  
p: 03 9329 7548  
m: (+64) 27 352 3340

**ACKNOWLEDGEMENT OF COUNTRY:**

We acknowledge and respect Traditional Owners as the original custodians of Victoria's land and waters that were never ceded. We honour elders past and present whose knowledge, connection and wisdom has ensured the continuation of culture and care for Country for tens of thousands of years.

**LOCATION PLAN:**



Nyah District Activity Group Approval  
President Signature: *[Signature]* Date: 2/11/23

**POLLEN**

Pollen Studio Pty Ltd - Landscape Architecture  
100/102 Sturt Street - Ballarat  
3000 VIC  
e: info@pollenstudio.com.au  
p: 03 9329 7548

NOT FOR CONSTRUCTION

**PROJECT:**  
NYAH RIVERFRONT  
LANDSCAPE MASTERPLANS  
Client Name  
**CLIENT:**  
Swan Hill Rural City Council  
41 Spurr St, Swan Hill VIC 3585

**CLIENT REFERENCE:**  
JOB NUMBER: 21122  
**PHASE:**  
Final Landscape  
Concept Plan  
**DRAWING TITLE:**  
Cover Page

REV.	COMMENT	DATE
1	DRAFT LANDSCAPE CONCEPT PLAN	12.01.23
2	FINAL LANDSCAPE CONCEPT PLAN	12.05.23
3	FINAL LANDSCAPE CONCEPT PLAN	29.05.23

DRAWN: *[Signature]* CHECK: *[Signature]*

**SCALE:**  
NPS  
**SHEET:**  
1 of 4  
**DRAWING NO.:**  
LSK-000  
**ISSUE:**  
3







**POLLEN**  
 Pollen Studio Pty Ltd - Landscape Architecture  
 1/1000s - 3/2000s  
 Suite 11 Level 1 130 Swan Road VIC 3080  
 03 9555 1040 | pollen@pollenstudio.com.au  
 pollenstudio.com.au | 1800 45 454 522 132

CONTRACTOR

PROJECT: NYAH RIVERFRONT LANDSCAPE MASTERPLANS  
 CLIENT: Swan Hill Rural City Council  
 40 South St, Swan Hill VIC 3585

CLIENT REFERENCE: PHASE 1  
**Final Landscape Concept Plan**  
 DRAWING TITLE: Landscape Concept Plan (Nyah)

REV.	COMMENT	DATE
1	ISSUE LANDSCAPE CONCEPT PLAN	18.01.23
2	FINAL LANDSCAPE CONCEPT PLAN	20.08.23
3	FINAL LANDSCAPE CONCEPT PLAN	20.08.23

ISSUED BY: [Signature] CHECK BY: [Signature]





## 2.17 Asset Naming Policy and Procedure Review

**Directorate:** Infrastructure  
**File Number:** S11-01-01  
**Purpose:** For Decision

### Council Plan Strategy Addressed

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

#### **1.4 Foster Creative and Cultural opportunities**

1.4.1 Promote and celebrate the creative and cultural pursuits within the region

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

#### **3.1 Communities that are safe, welcoming and inclusive**

3.1.1 The diversity of our communities is celebrated

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

#### **3.2 An engaged and respected Aboriginal community**

3.2.3 Celebration and recognition of Aboriginal and Torres Strait history and culture

**4. Leadership** - We will ensure accountable leadership, advocacy and transparent decision making.

#### **4.2 Transparent communication and engagement**

4.2.1 Effective and authentic engagement with our community

### Current Strategic documents

Council Plan

### Declarations of Interest

Council Officers affirm that no general or material conflicts need to be declared in relation to the matter of this report.

### Summary

The purpose of this report is to review the Asset Naming Policy and Guidelines POL/INFRA500.

### Discussion

The Asset Naming Policy provides guidelines for the naming of geographic roads, features, and localities within the Swan Hill Rural City Council.

The major emphasis of this policy is to maintain a standardised, consistent approach to geographic naming, ensure public safety, preserve the Council's identity and heritage and to recognise early pioneers, cultural diversity and gender equity.

The Asset Naming procedure has been replaced with easy-to-understand guidelines for the public and developers. The Asset Naming Guidelines incorporates the changes from the official "Naming Rules for Places in Victoria 2022".

Major changes to the asset naming process include:

- Commemorative names of a deceased person should be applied no less than two years posthumously as per the Naming Rules. This was previously 6 months.
- Non-commemorative names for new assets do not require public consultation. To ensure linkage to the region is maintained within asset naming, the Guidelines specify "Approved Themes" that should be followed by developers. Names that are not on the Asset Naming Master List or of an "approved theme" will require public consultation and Council approval.
- The guidelines encourage greater diversity with regards to gender and first nations languages and people.
- The guidelines ensure that First Nations groups are consulted for naming proposals regarding First Nation languages or people.
- The paper-based "Asset Naming Submission" form has been replaced by an online submission form on Let's Talk. <https://letstalk.swanhill.vic.gov.au/asset-naming-submissions>
- The "New Asset Name as part of a Development" form will be managed through the Planning process utilising Spear.

The Procedure contained as part of the approved "2019 Asset Naming Policy and Procedure" will be superseded by the 2023 Asset Naming Policy and Guidelines.

The Policy and Guidelines are also consistent with State Government expectations as written to Council by the Registrar of Geographic Names Victoria in August 2023;

*"On Thursday 24 August 2023, the Minister for Women Natalie Hutchins formally launched Victoria's Gender Equality Strategy and Action Plan 2023-2027. The strategy and action plan includes a new initiative aimed at increasing the commemoration of women through the naming of roads, features and localities.*

*As a naming authority, you will be required to implement this new initiative as part of your ongoing naming activities."*

*"Geographic Names Victoria will work with naming authorities, including local government, to increase the commemoration of women in place naming, by setting a level of 70% of new requests for commemorative naming of new roads, placenames and landmarks to be achieved within the lifetime of the Strategy."*

## Consultation

Consultation has been undertaken with Council's Planning department and Executive Leadership Team. Geographic Names Victoria were consulted to ensure the guidelines comply with the official Naming Rules.

### **Financial Implications**

Nil.

### **Social Implications**

Recognition of the contribution of outstanding citizens and encouraging greater diversity with asset naming will have positive social benefits.

### **Economic Implications**

Streamlining the Asset Naming process for Developers will improve approval processes for future housing Developments.

### **Environmental Implications**

Nil.

### **Risk Management Implications**

By adopting the recommendation, Council will not be exposed to significant risk. Submissions are more likely to be accepted by Geographic Names Victoria.

- Attachments:**
1. Asset Naming Guidelines 2023 [2.17.1 - 6 pages]
  2. Asset- Naming CPOLINFR A 500 202311 [2.17.2 - 2 pages]

### **Options:**

1. That Council adopt the Asset Naming Policy POL/INFRA500 and Guidelines as presented
2. That Council adopt the Asset Naming Policy POL/INFRA500 and Guidelines with amendments

### **Recommendation/s**

#### **That Council:**

1. **Adopt the Asset Naming Policy POL/INFRA500 and Guidelines as presented.**



# Asset Naming Guidelines

PRO/INFRA 500



## Purpose

Names are an important navigation and reference tool in our community. It is important to have appropriate names for streets, roads and other assets to tell us where we are, identify places for postal and emergency services, and to define our community's identity. Names should reflect our community's values, history and future.

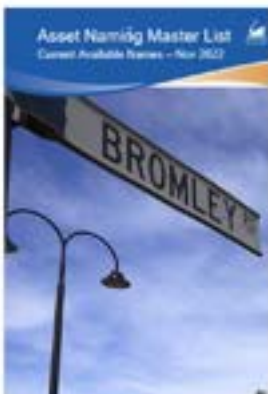
Asset naming is covered by various pieces of legislation. These guidelines ensure that naming principles meet legislative requirements while providing a consistent approach and clarity about naming opportunities. The guidelines provide principles and procedure for determining and approving a name, and when a name may be changed or considered for dual naming.

## Scope

The importance of having appropriately named streets, roads and other assets is to enable the efficient and orderly operation of services in our community including emergency, postal and transport services as well as facilitating good community communications. These guidelines describe the process used by Council when selecting, approving, or assigning the names:

- In new subdivisions.
- For unnamed roads and streets.
- To change the names of existing streets and roads.
- Council assets including features, reserves, parks, open spaces and public facilities.

*Council has responsibility under the Local Government Act 2020 for the naming of roads and streets. Approaches are made to Council on a regular basis to name or rename roads and streets or other assets. These guidelines will provide a framework in which to consider these proposals and to recognise community heritage, identity and aspirations.*



## Asset Naming Master List

Council maintains an Asset Name Master List for future use. These pre-approved names can be selected for new or unnamed assets.

Names can be submitted to Council at anytime for consideration of inclusion in the master list. Nominations may be submitted for specific localities to ensure that the Names are linked to an area to reflect local history. These names will follow the same process as the naming of a specific asset, however, once endorsed for use by Council the name will be added to the Asset Name Master List.

Once selected for use, the name will be submitted to Geographic Names Victoria for final approval.

## General principles


The following principles, consistent with the Naming Rules for Places in Victoria 2022 will be applied by Council when suggesting, endorsing or approving names.

- Principle A**      **Ensuring public safety**  
The suggestion makes sense and won't cause confusion for the public or essential services.
- Principle B**      **Recognising the public interest**  
Long term benefits to the community outweigh any private or corporate interests, or short term effects.
- Principle C**      **Linking the name to place**  
Names should have a link to place to ensure the preservation of our cultural heritage.
- Principle D**      **Ensuring names are not duplicated**  
Names must not duplicate or be similar to another name within a locality or a specific distances.
- Principle E**      **Recognition and use of Traditional Owner languages**  
The use of Traditional Owner languages in the naming of roads, features and localities is encouraged, and is subject to agreement from the relevant Traditional Owner group(s).
- Principle F**      **Names must not discriminate or be offensive**  
Place names must not discriminate or cause offense.
- Principle G**      **Gender equality**  
Gender equality in the naming of roads, features and localities is encouraged.
- Principle H**      **Dual names**  
Dual names may only be assigned to geographic features.
- Principle I**      **Using commemorative names**  
When considering a commemorative name Council will prioritise the use of Traditional Owner languages and Gender Equality.
- Principle J**      **Using commercial and business names**  
New names should not be named after commercial businesses, trade names, estate names or not-for-profit organisations.
- Principle K**      **Language**  
The use of names from Australian English, Traditional Owner and other languages will be carefully considered.
- Principle L**      **Directional names to be avoided**  
Cardinal directions (north, south, east and west) must be avoided.
- Principle M**      **ENSURING PUBLIC SAFETY**  
When a proposal to name a road, feature or locality is being developed, Council will clearly define the area and/or extent to which the name will apply.

For more information on each of these principles please refer to the

[Official Naming Rules for Places in Victoria 2022](#)





**When will a name  
be allocated or  
Changed?**

The naming of infrastructure assets provides an opportunity to honour individuals and groups for contributions and achievements that deserve recognition. It also presents an opportunity to emphasis important landmarks, geographical features or history including local Aboriginal culture and other events.

Naming may arise either:

- At the instigation of Council, or the community for existing unnamed infrastructure or places.
- As a result of new infrastructure.

Renaming of any asset but particularly roads is discouraged however an infrastructure asset may be renamed upon request if:

- There is strong community desire (for example over 20 submissions) for a name change;
- The name is duplicated elsewhere within the Council area;
- The person or body or entity after which the infrastructure asset was named has been discredited or dishonored;
- A name change is required to reflect a change in use of the infrastructure asset;
- It has been found that the information submitted regarding the original naming of the infrastructure asset was factually incorrect; or
- The naming does not comply with AS/NZS 4819.2011 Rural and Urban Addressing.

Public consultation will be undertaken for all renaming nominations and presented to Council for decision via a Council resolution.



## Using commemorative names



When using a commemorative name the following points must be considered:

- If named after a person, that person should be or have been held in strong regard by the community. The persons achievements, relevant history and association to an area, and the significance of the family/person to the area/land. For example, a family that has been associated to an area for at least 50 years.
- Council will make every effort to gain consent from all immediate family members of the person being commemorated.
- The names of people who are still alive must be avoided because community attitudes and opinions can change over time.
- Commemorative names of a deceased person should be applied no less than two years posthumously.
- A commemorative name applied to a locality or road should use only the surname of the person, not first of given names. If applied to a feature, a first and surname of a person can be used, although it is preferred only a surname be used.
- The initials of a person are not to be used in any instance.



**Nominate  
a  
Name**

Council will only consider applications received in an approved form. Applications must be accompanied with supporting documentation and evidence to enable the independent assessment by Council as to the validity of the claims being made for recognition of names within the application.

Submissions will be assessed on an annual basis. All commemorative names will be advertised prior to use or inclusion in the Asset Naming Master List.

To make a naming submission go to

<https://letstalk.swanhill.vic.gov.au/asset-naming-submissions>

## Approved themes

Private developments will not need Council approval or public consultation for non-commemorative street names that follow the following themes

- Local/native flora and fauna;
- Historic paddle steamers of the Murray
- Forgotten trades of the Murray/Mallee
- Local Historic events
- ANZAC Battles
- Local Agriculture and Horticulture products



## Public consultation

Consultation is a key component in the process of naming roads and features. Naming Authorities typically consult the public on any naming proposal and must comply with the minimum requirements under the Naming Rules.

The Naming Rules outlay a number of naming scenarios with guidelines on who needs to be consulted and types of consultation or notification required.

Council commits to consulting with concerned or affected parties which can be classified as:

- The immediate community, which includes, residents, ratepayers and businesses within the immediate area directly affected by the naming proposal; or
- The extended community, which includes residents, ratepayers and businesses surrounding the area directly affected by the proposal; any government (neighbouring councils) or non-government organisations with an interest in or who service the area.
- Traditional Owner group(s), local historical societies, emergency services, advisory committees and other community groups.

The amount of public engagement/consultation will depend on which classification applies to the naming proposal.

## Gender equity

Council will recognise the diversity of our community and ensure we are inclusive of all communities regardless of gender or race. Diversity and inclusion in place naming is essential to all residents being able to live in a safe and equal society. Encouraging gender equality in the naming of roads, features and localities means that our place naming can better reflect our diversity. Communities can see that no matter your gender, you have the opportunity to be commemorated for your actions.

When developing or approving a commemorative naming proposal, consideration will be given to gender equality. Council will work with Geographic Names Victoria, to assist them to increase the commemoration of women in place naming. Geographic Names Victoria have set a level of 70% of new requests for commemorative naming of new roads, placenames and landmarks will recognise women between 2023 to 2027.

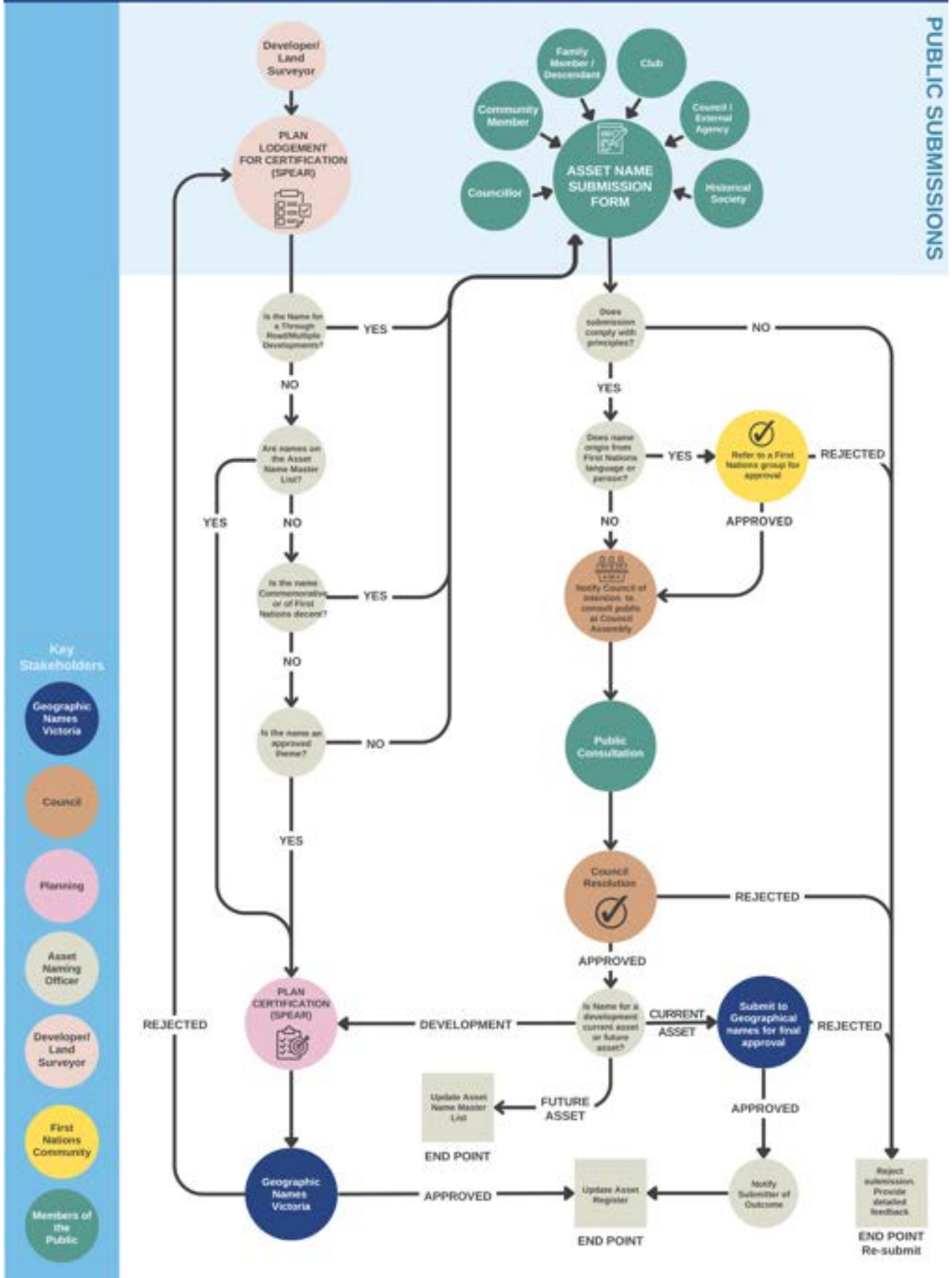
### At a Glance

A recent audit on street naming in Swan Hill indicated that:

- 77% of street names are named after men.
- 6% of street names are named after women.
- 12% of street names represent traditional owner languages.



# Process for choosing a name



## PLACE NAMES

Traditional Owner languages are often based on location; languages are deeply rooted to the land and offer an ideal opportunity to connect a name to a place. The use of Traditional Owner languages enables the wider community to be educated about Traditional Owner history and shared culture.

### Local Traditional Names\*

Placename	Traditional Name	Meaning	Origin
CHINKAPOOK	Chinkapook	red water	Wergaia, Waddi Waddi
COCAMBA	Kookimbo	laughing jackass	Wergaia
LAKE BAKER	Boomberdill	honey-dew	Wamba Wamba
LARUNDEL	Larundel	camp/home	Wergaia
MANANGATANG	Manangatang	water reserve.	Waddi Waddi,Wergaia,Dadidadi
LITTLE MURRAY RIVER	Parnimilli	little river	Wamba Wamba
NOWIE	Njai	the sun	Waddi Waddi
NYAH	Ngighyer	waist-belt	Waddi Waddi
PENTAL ISLAND	Pakaruk	A place between rivers	Wamba Wamba
PIANGIL	Bandjel	Murray cod, very large	Waddi Waddi
PIRA	Pira	club	Wamba Wamba
SWAN HILL	Metakupaat	platypus	Waddi Waddi,Wamba Wamba
TOWAN	Towan	being speared	Waddi Waddi
TYNTYNDER	Djindjinder	An acrid lichen	Waddi Waddi

\*taken from VicNames register. If you would like to make any corrections please contact council

Document type: Guidelines  
 Document status: Draft  
 Responsible officer: Enterprise Assets Manager  
 Approved by: Council Resolution  
 Date adopted: TBC  
 Last review: November 2019  
 Review date: March 2026  
 Version number: 1.0  
 Related documents, policies, Procedures: POLINFRA500 Asset Naming Policy

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



Version Number	Issue Date	Description of Change
1.0	TBC	Initial Release

Date adopted	February 2004
Last review	November 2023
Next review	November 2025
Responsible Officer	Enterprise Assets Manager

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



**POLICY TITLE      ASSET NAMING**

**POLICY NUMBER    CPOL/INFRA500**

**1. PURPOSE**

The purpose of this policy is to ensure a consistent and transparent approach to the naming of Swan Hill Rural City Council's (Council) infrastructure assets.

**2. SCOPE**

This Policy applies to the naming of infrastructure assets under Council's control including but not limited to – roads and features such as bridges, parks, open spaces, reserves, public facilities, footpaths, recreation paths, and car parks.

**3. POLICY**

Council has responsibility under the Local Government Act 1989 for the naming of roads and streets. The naming of roads and places provides an opportunity to honour individuals and groups in the community for past contributions and achievements that deserve recognition as well as presenting an opportunity to emphasise important landmarks, geographical features or historical or cultural characters of the area concerned.

This policy should be read in conjunction with Council Procedure PRO/INFRA500 Asset Naming which provides a consistent approach for the naming of infrastructure assets, to ensure that:

- Public Consultation is undertaken where necessary and nominations received from the public are assessed against pre-determined criteria to ensure transparency;
- Any new road, public facility, feature or place name;
  - does not conflict with existing names recorded in Council's road register or elsewhere;
  - complies with relevant jurisdictional legislation, policies and guidelines;
  - are not offensive, racist, derogatory or demeaning.

Council has no obligation to accept any name proposed by any group, entity, developer or individual. Council reserves the right to allocate names in accordance with this policy.

The naming of an infrastructure asset, feature or road in accordance with this policy does not change the responsibility associated with the ownership of the asset or require Council to maintain the asset.

Asset Naming Policy CPOL/INFRA500		
Version: 2.0	This document is uncontrolled when printed	Page 1 of 2

**4. RELATED POLICIES/DOCUMENTS**

PRO/INFRA500 Asset Naming Guidelines  
 Naming Rules for Places in Victoria 2022 – Statutory requirements for naming roads, features and localities.  
 Asset Name Masterlist  
 Asset Name Proposal Form  
 Victorian Gender Equality Action Plan  
 AS4819 – Standards for Rural Addressing

**5. RELATED LEGISLATION**

Geographic Place Names Act 1998  
 Local Government Act 2020  
 Road Management Act 2004

**6. DOCUMENT HISTORY**

Version Number	Issue Date	Description of Change
1.0	February 2004	Initial Adoption
1.1	March 2007	Review
1.2	February 2010	Review
1.3	May 2013	Review
1.4	May 2015	Review
1.5	November 2019	Review
2.0	November 2023	Review

**Signed:** \_\_\_\_\_ **Mayor**      **Date:** \_\_\_\_\_



### 3 Officer Report for Noting

## 4 Decisions Which Need Action / Ratification

### 4.1 Sign and Seal

**Directorate:** Chief Executive Officer  
**File Number:** S16-05-01  
**Purpose:** For Noting

#### Declarations of Interest:

Council officers affirm that no general or material conflicts need to be declared in relation to the matter of this report.

#### 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 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
1150	Section 173 Agreement – Planning permit 2021-049-1 Condition 5 – 4195 Murray Valley Highway, Robinvale.	Between Swan Hill Rural City Council and C.P.Pulvermueller and G.Albanese and A.Albanese	24/10/2023

Note: A Section 173 Agreement is a typically a contract between the Council and a landowner that places use or development restrictions on the land.

They are intended to ensure compliance with conditions contained in permits granted by the Council and are often used in subdivision matters. These agreements refer to Section 173 of the Planning and Environment Act 1987.

**Consultation**

Council authorise the signing and sealing of the above documents.

**Recommendation/s**

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

**CM 2023/99 Motion**

**MOVED Cr McPhee**

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

**SECONDED Cr Moar**

**The Motion was put and CARRIED 6 / 0**

## 4.2 Councillor Assemblies - Record of Attendance and Agenda Items

**Directorate:** Chief Executive Officer  
**File Number:** S15-05-06  
**Purpose:** For Noting

### Declarations of Interest:

Council Officers affirm that no general or material conflicts need to be declared in relation to the matter of this report.

### Summary

The following report provides attendance 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.

### Council Plan Strategy Addressed

**4. Leadership** - We will ensure accountable leadership, advocacy and transparent decision making.

4.1 Excellent management and administration

4.1.1 Well managed resources for a sustainable future

4.1.2 Provide robust governance and effective leadership

4.1.3 Sound, sustainable:

- Financial management • Excellence in service delivery • Strategic planning

### Current Strategic documents

No strategic documents applicable.

### Key Legislation

There is no key legislation applicable

**Attachments:** 1. COUNCILLOR ASSEMBLIES ATTENDANCE AND AGENDA  
November [4.2.1 - 3 pages]

### **Options**

Council Assemblies are reported to ensure good governance and transparency.

### **Recommendation**

**That Council note the contents of the report.**

**CM 2023/100 Motion**

**MOVED Cr Kelly**

**That Council note the contents of the report.**

**SECONDED Cr McPhee**

**The Motion was put and CARRIED 6 / 0**

**COUNCILLOR ASSEMBLIES ATTENDANCE AND AGENDA**  
**24 October 2023 at 1.00pm, Swan Hill Town Hall – Council Chambers**

**AGENDA ITEMS**

- Nyah Master Plan
- Local Sports Infrastructure Fund
- Tennis Victoria/Australia
- Lake Boga Caravan Park
- Smoke on Water (External presenters)
- Inverell Court
- Asset Naming Policy and Procedure
- Storm Water Asset Management Plan
- Councillor/Director question time

**ADDITIONAL ITEMS DISCUSSED**

- Nil

**ATTENDANCE**

**Councillors**

- Cr Jacquie Kelly
- Cr Nicole McKay
- Cr Stuart King (virtually)
- Cr Les McPhee
- Cr Bill Moar
- Cr Chris Jeffery

**Apologies**

- Cr Ann Young

**Leave of Absence**

- Nil

**OFFICERS**

- Scott Barber, Chief Executive Officer
- Bruce Myers, Director Community and Cultural Services
- Leah Johnston, Director Infrastructure
- Heather Green, Director Development and Planning
- Bhan Pratap, Director Corporate Services
- Sam Steel, Development Officer Community
- Dione Heppell, Liveability and Project Development Coordinator
- Dennis Hovenden, Economic and Development Manager
- Grant Jones, Development Officer Facilities
- Peter Ross, Engineering and Strategic Projects Manager
- Laura O'Dwyer, Enterprise Assets Manager

**Other**

- Steve Timmis (virtually), Smoke on the Water

**CONFLICT OF INTEREST**

- Nil

**COUNCILLOR ASSEMBLIES ATTENDANCE AND AGENDA**  
**31 October 2023 at 1.00pm, Swan Hill Town Hall – Council Chambers**

**AGENDA ITEMS**

- 300 River Road Swan Hill – Subdivision of Land (Boundary Re-alignment) in the Farming Zone
- Art Gallery Project Update
- Lake Boga Catalina Café – update
- Lake Boga New Year's Eve Fireworks Event Funding Request
- Review of Councillor Expenses
- Housing Summit
- Councillor/Director question time

**ADDITIONAL ITEMS DISCUSSED**

- Nil

**ATTENDANCE**

**Councillors**

- Cr Jacquie Kelly
- Cr Nicole McKay
- Cr Stuart King
- Cr Les McPhee
- Cr Bill Moar
- Cr Chris Jeffery

**Apologies**

- Cr Ann Young

**Leave of Absence**

- Nil

**OFFICERS**

- Scott Barber, Chief Executive Officer
- Bruce Myers, Director Community and Cultural Services
- Leah Johnston, Director Infrastructure
- Heather Green, Director Development and Planning
- Bhan Pratap, Director Corporate Services
- Kate Jewell, Development Manager
- Brian White, Principal Project Manager
- Jess Chislett, Procurement and Properties Coordinator
- Dennis Hovenden, Economic and Development Manager
- Kerry Thomson, Financial Accountant

**Other**

- Danny and Rhiannon Jennings, Sandy Guy (300 River Road, Swan Hill)

**CONFLICT OF INTEREST**

- Nil



**COUNCILLOR ASSEMBLIES ATTENDANCE AND AGENDA**  
**14 November 2023 at 1.00pm, Swan Hill Town Hall – Council Chambers**

**AGENDA ITEMS**

- Notice of intention to lease land
- Quarterly MPP – November
- Council plan progress report
- Victoria's Container Deposit Scheme
- Request for Additional support Swan Hill Uniting Church - Community Issues Group
- Councillor/Director question time

**ADDITIONAL ITEMS DISCUSSED**

- 3D walk through - Swan Hill Art Gallery
- Flood recovery Funding to be used by Executive Leadership Team
- Cultural Hub up-date

**ATTENDANCE**

Councillors

- Cr Jacquie Kelly
- Cr Ann Young
- Cr Stuart King
- Cr Bill Moar

**Apologies**

- Cr Les McPhee
- Cr Chris Jeffery
- Cr Nicole McKay

**Leave of Absence**

- Nil

**OFFICERS**

- Scott Barber, Chief Executive Officer
- Bruce Myers, Director Community and Cultural Services
- Leah Johnston, Director Infrastructure
- Heather Green, Director Development and Planning
- Jay Jeyakanthan, Manager Project Management Office
- Helen Morris, Organisational Development Manager
- Lina Cornish, Governance and Compliance Officer
- Dennis Hovenden, Economic and Development Manager

**Other**

- David Hackett, Swan Hill Uniting Church – Community Issues Group

**CONFLICT OF INTEREST**

- Nil

## 5 Notices of Motion

Nil.

## 6 Foreshadowed Items

## 7 Urgent Items Not Included In Agenda

Nil.

## 8 To Consider and Order on Councillor Reports

### 8.1 Cr Ann Young

List events / meetings attended

6/11/23	Art Gallery AGM
6/11/23	Nyah Action Group
8/11/23	BPW meeting
13/11/23	Country University Centre Mallee
20/11/23	Housing Summit
21/11/23	LGBTIQA – yarning session

### 8.2 Cr Bill Moar

List events / meetings attended

28/10/23	Coffee with a Councillor - Nyah West Bowls Club
02/11/23	Mallee Mildura Regional Innovation Centre – release of Regional Drought Consultation report
13/11/23	Swan Hill Clontarf Academy Awards
20/11/23	Housing Summit – Swan Hill Town Hall
18/10/23	Agribusiness Advisory Committee
24/10/23	Grants Commission

### 8.3 Cr Les McPhee

List events / meetings attended

18/10/23	Meeting with Swan Hill Drag Racing Club
18/10/23	Our Swan Hill interview
21/10/23	Fiji Community Day Celebrations
21/10/23	Engineers Country Weekend Dinner
24/10/23	Victorian Local Government Grants Commission

25/10/23	3SH interview
25/10/23	Young Writers Awards Presentation
26/10/23	Municipal Emergency Management Committee
1/11/23	Our Swan Hill interview
3/11/23	Swan Hill Red Cross AGM
8/11/23	Our Swan Hill interview
12/11/23	Commemoration 100yrs Piangil Cenotaph
13/11/23	SES Duck Race announcement
13/11/23	Clontarf Academy Awards
15/11/23	Meeting with Chari MDBA, Sir Angus Houston
16/11/23	MAV Rural & Regional Plan Victoria Forum
16/11/23	Our Swan Hill interview
17/11/23	Winners of colouring competition announced
20/11/23	Housing Summit at Town Hall
21/11/23	Ace radio interview
21/11/23	LGBTIQA+ Commissioner Yarning session

#### 8.4 Cr Jacquie Kelly

List events / meetings attended

18/10/23	Leisure Centre Advisory Committee	11am, Chair
18/10/23	Food for All, Food Garden Event	Town Hall
25/10/23	Manangatang Improvement Group meeting	5pm, Pub
26/10/23	met EPA	
26/11/23	Loddon Mallee Power Hub	update meeting
28/11/23	Swan Hill Cancer fundraiser Movie Festival	Rachels Farm
31/10/23	Ultima Progress Association AGM	7pm, Chair AGM
4/11/23	Coldie w Cr. Beats at the Bend- Boundary Bend	3pm
4/11/23	Ross Wilson performance	Town Hall
10/11/23	CPA Regional Benefit Sharing - RENEWABLES- Webinar	12noon
11/11/23	Remembrance Day ceremony, Swan Hill Cenotaph	10.30am, officiate for Mayor, lay wreath
14/11/23	'You Talk, We Die', talk by Author Judy Ryan	Library 6pm, Also Jann Barkman
16/11/23	Sustainable Living in the Mallee meeting	7pm.
19/11/23	Toolybuc Food and Fibre Market	
20/11/23	Housing Summit- Swan Hill	7.30am

#### 8.5 Cr Nicole McKay

## List events / meetings attended

20/22/23	Swan Hill Housing Summit
06/11/23	Nyah District Action Group Meeting
04/11/23	Boundary Bend Progress Association
	Beats on the Bend "Coldie with a Councillor"
11/11/23	Remembrance Day Celebration Swan Hill

## 8.6 Cr Stuart King

## List events / meetings attended

18/10/2023	Audit & Risk Committee	AFS training session
25-26/10/2023	Waste Expo	Workshops & displays on all things waste! Melbourne Convention Centre
03/11/2023	Rail Freight Alliance	EGM & Ordinary Meeting
13/11/2023	REBA	Monthly meeting

## 8.7 Cr Chris Jeffery

## List events / meetings attended

18/10/23	Woorinen South Progress Ass. AGM
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## 9 In-Camera Items

### RECOMMENDATION

That, in accordance with sections 66(1) and 66(2)(a) of the *Local Government Act 2020*, the meeting be closed to members of the public for the consideration of the following confidential items:

### CM 2023/101 MOTION

#### MOVED Cr McPhee

That Council, resolve to close the meeting at 5:40 pm to members of the public to consider the following items.

#### SECONDED Cr Moar

The Motion was put and CARRIED 6 / 0

## 9.1 Inverell Court Lake Boga

CONFIDENTIAL ITEM *This item is to be considered at an In Camera meeting in accordance with Section 3(1) (a) of the Local Government Act 2020, this item is to be considered in an incamera meeting on the grounds that the item concerns Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released.*

**CM 2023/102 Motion**

**MOVED Cr McPhee**

**That Council:**

- 1. Adopt the option to install underground drainage within the passageway easement located on No 3 Inverell Court to cater for the 1 in 100 storm event.**
- 2. Fund the project from the Swan Hill Drainage Reserve.**
- 3. Commence the formal process of changing the existing passageway easement located on No 3 Inverell Court to an easement for both passageway and drainage.**

**SECONDED Cr Moar**

The Motion was put and CARRIED 6 / 0

**CM 2023/103 MOTION**

**MOVED Cr Moar**

**That the meeting move out of closed session at 5:47 pm.**

**SECONDED Cr McPhee**

The Motion was put and CARRIED 6 / 0

## 10 Close of Meeting

There been no further business the Mayor, Councillor Stuart King closed the meeting at 5:47 pm