

MINUTES

SCHEDULED MEETING OF COUNCIL

Tuesday, 21 February 2023

Held at the Swan Hill Town Hall
McCallum Street, Swan Hill
Commenced at 2pm

COUNCIL:

Cr LT McPhee – Mayor

Cr B Moar
Cr A Young
Cr C Jeffery
Cr S King
Cr N McKay
Cr J Kelly

Confirmed 21 March 2023

Chairperson.....

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SECTION A – PROCEDURAL MATTERS

- **Welcome**

Mayor, Councillor Les McPhee assumed the chair and declared the meeting open at 2pm.

- **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.”

- **Prayer**

Cr Nicole McKay 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.

- **Apologies/Leaves of Absence**

Nil

Recommendations

That the apologies be accepted.

- **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
John McLinden, Acting Director of Infrastructure
Kate Jewell, Development Manager
Sharon Lindsay, Executive Assistant
Terri McCormick, Executive Support

- **Confirmation of Minutes**

- 1) Scheduled Meeting Of Council held on 20 December 2022
- 2) Unscheduled Meeting of Council held on 24 January 2023

1/23 Motion

MOVED Cr King

That the minutes of the Scheduled Meeting of Council held on 20 December 2022 and the Unscheduled Meeting of Council Held on the 24 January 2023 be confirmed.

SECONDED Cr Jeffery

The Motion was put and CARRIED

- **Disclosures of Conflict of Interest**

Cr Les McPhee declared an indirect conflict of interest in item B.23.2 247 LAKESIDE DRIVE, LAKE BOGA – PLANNING APPLICATION as his mother-in-law may benefit financially.

- **Joint Letters and Reading of Petitions**

Nil

- **Public Question Time**

Nil

- **Open Forum**

Nil

Councillor McPhee left the meeting at 14:02 pm and the Deputy Mayor Cr Stuart King assumed the Chair.

SECTION B – REPORTS

B.23.2 247 LAKESIDE DRIVE, LAKE BOGA – PLANNING APPLICATION

Responsible Officer: Director Development and Planning
File Number: PLN2022091
Attachments: 1 [↓ Plans](#)
2 [↓ Agriculture Victoria Referral Response](#)

Declarations of Interest:

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

Summary

This report seeks a Council resolution to refuse the application for a 2-lot subdivision of the land to excise the existing dwelling on land known as 247 Lakeside Drive, Lake Boga (Lot 2 on Plan of Subdivision 133756) in the Farming Zone.

This application was presented to the December ordinary Council meeting, where the Motion lapsed due to want of a Seconder.

Discussion

Location and existing conditions.

The land is located at 247 Lakeside Drive, Lake Boga.

The land is currently being used for residential purposes. It appears the vacant section of the land has historically been used for agricultural purposes.



Figure 1: Subject site

The land is 5.392 hectares and contains an existing dwelling and associated outbuildings. The land is located on the northern side of Lake Boga. Access to the land is via Lakeside Drive which is a sealed road.

There are many rural living style allotments to the east and west of the land fronting Lake Boga. Lake Boga has many residential developments surrounding the lake. Most of the

residential development has occurred in strategically zoned residential land. The pocket of residential use abutting the subject site remains in the Farming Zone (Refer Figure 2).

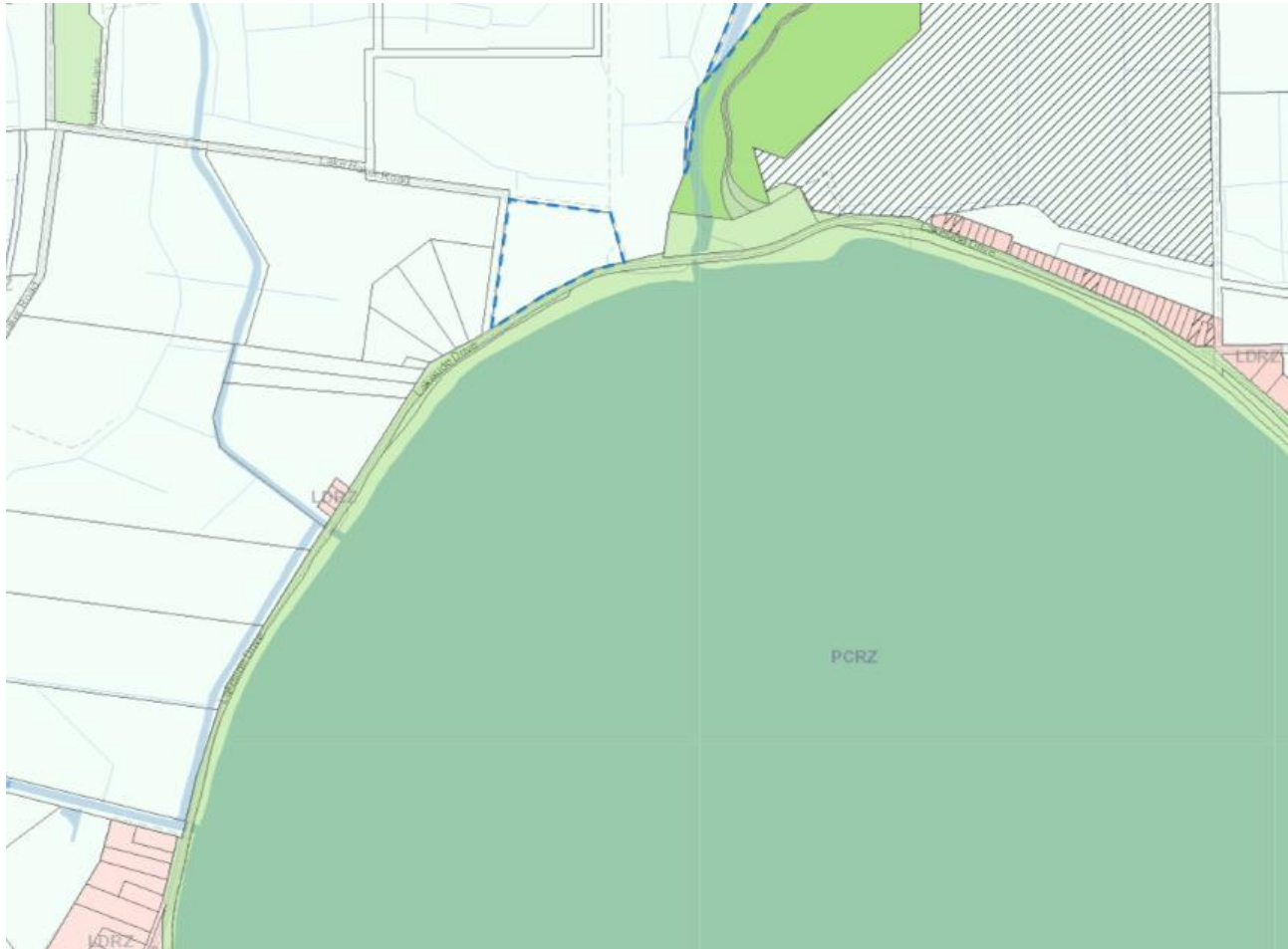


Figure 2: Zone of subject land and surrounding land

The land to the north is used for dryland farming purposes.

A dwelling exists on the abutting two (2) properties to the east and west.

The land is not subject to inundation due to the existing elevation.

The Lake Boga township is located approximately 3.5km to the south-east of the subject land.

Proposal

The proposal is for a 2-lot subdivision of the land to excise the existing dwelling on land known as 247 Lakeside Drive, Lake Boga (Lot 2 on Plan of Subdivision 133756).

The proposed subdivision excises the existing dwelling to create an 0.8-hectare allotment (proposed Lot 1) for the dwelling and the remaining land (proposed Lot 2) is vacant rural land with an area of 4.592 hectares.

On 25/01/2023, the applicant provided an amended submission detailing the proposed future use of the land. The information submitted is as follows:

'Price Merrett Consulting had made some assumptions with regards to the subject application. It has come to our attention that the assumptions with regards to the future intentions and use were incorrect. We'd like to attach this letter to the

application as an addendum to correct and clarify our client's intention if the subdivision of the land is approved.

Our client is no longer able to manage the residence and surrounding yards, it their intention to sell the house and yards lot (Lot 1). The residual land (Lot 2) is currently being considered within a land use strategy for possible future residential use. Our client wishes to maintain this land and develop the land if the land use strategy recommends a change in use to a residential use. The future subdivision could look similar to the proposal Price Merrett Consulting did in 2015 which is provided with this letter.

Price Merrett Consulting apologises for any confusion with regards to the incorrect assumptions made.'



Figure 3: Proposed plan of subdivision

Assessment against the Swan Hill Planning Scheme

This application has raised concerns with respect to the zoning of the land and the potential to set a precedent for rural living subdivisions in the Farming Zone. It is also acknowledged all planning applications must be considered on merit.

The decision to be made is whether it is appropriate to allow a subdivision of land in the Farming Zone for the sole purpose of allowing the excision of a dwelling creating a vacant Farming Zone allotment that may be considered unviable for a farming purpose.

The applicant has submitted the balance lot (Lot 2) will not be used for agricultural purposes.

Given the proximity to the lake there would be an expectation an application for planning permit would be submitted to Council in the future for the use and development of a dwelling not associated with agriculture.

Given the applicable planning policies, decision guidelines and controls that apply to the land, the key questions to consider are:

1. Has the application adequately justified the subdivision and how it will support and enhance agricultural production?
2. Does the proposal meet the purpose and decision guidelines of the zone?
3. Is the proposed development in accordance with the policies and provisions of the Swan Hill Planning Scheme?
4. Is there strategic justification for the subdivision.
5. Does approval of the subdivision set a precedent for surrounding parcels of land?

Zoning

The purpose of the Farming Zone is to:

- *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 in accordance with Clause 35.07-3 for subdivision of the land.

Clause 35.07-3 states:

'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.'

The Schedule to the Zone states the minimum subdivision area is 20 hectares on all land which is within a gazetted irrigation district or where a water use licence has been issued and applied to land for horticultural production purposes. The land does not meet the minimum lot size.

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.

As the proposed subdivision is to create a lot for an existing dwelling, an application can be considered by the Responsible Authority.

Farming Zone Decision Guidelines

Before deciding on an application to subdivide land, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

General issues:

- The Municipal Planning Strategy and the Planning Policy Framework.
 - Refer to Planning Policy section of this report.

- The capability of the land to accommodate the proposed use or development, including the disposal of effluent.
 - The application proposes to excise the existing dwelling on to an 8,000m² allotment. The application was not supported by a land capability assessment.
 - A permit can be issued subject to a condition requesting a land capability assessment be completed prior to Certification of the plan of subdivision.
 - Council's Health Department did require all wastewater to be contained within the lot, but should a permit be granted, it is recommended a land capability assessment be completed to ensure this can occur in accordance with wastewater regulations.
- Whether the site is suitable for the use or development and whether the proposal is compatible with adjoining and nearby land uses.
 - Subject to a land capability assessment, it is considered the land has the potential to accommodate the proposal in relation to available services.
 - Lot 1 is proposed to contain the existing dwelling on an 8,000m² allotment. The area of land at the rear of the existing dwelling should provide an adequate buffer to an agricultural use at the rear (north).
 - The creation of Lot 2 will provide a 4.592-hectare vacant parcel of land that may or may not be used for agriculture in the future given its location abutting the lake and other dwellings and its size. The applicant originally submitted '*proposed Lot 2 will be made available for sale to be used for dryland agriculture in the Farming Zone*'. Any farming use on proposed Lot 2 may not be viable or be compatible with the existing dwellings on abutting land.
 - On 25/01/2023 the applicant provided an updated document to amend the proposed future use of the land outlined in the proposal section of this report. The updated information stated 'Our client is no longer able to manage the residence and surrounding yards, it their intention to sell the house and yards lot (Lot 1). The residual land (Lot 2) is currently being considered within a land use strategy for possible future residential use. Our client wishes to maintain this land and develop the land if the land use strategy recommends a change in use to a residential use. The future subdivision could look similar to the proposal Price Merrett Consulting did in 2015 which is provided with this letter.'

Agricultural issues and the impacts from non-agricultural uses:

- Whether the use or development will support and enhance agricultural production.
 - The applicants amended submission dated 25/01/2023 regarding the proposed use of the land does not relate to any agricultural use.
 - The application as submitted does not justify how the subdivision will support and enhance agricultural production.
 - Consolidating the 4.592 hectares with an abutting agricultural property in the Farming Zone would provide an opportunity to support and enhance agricultural production.
- The potential for the use or development to limit the operation and expansion of adjoining and nearby agricultural uses.
 - The subdivision may limit the operation and expansion of adjoining agricultural uses as proposed Lot 2 as given the lands proximity to the lake foreshore, it is considered the expectation would be a dwelling could be developed on the vacant parcel of land and this would increase the value of the land if sold and result in a neighbouring farmer not able to purchase the land to expand their agricultural holding due to the higher cost to purchase the land.
- The capacity of the site to sustain the agricultural use.
 - The applicant has not justified proposed Lot 2 could sustain an agricultural use.
 - The applicant has stated proposed Lot 2 will not be used for agriculture.

- The agricultural qualities of the land, such as soil quality, access to water and access to rural infrastructure.
 - The application was not supported by information pertaining to the agricultural qualities of the land.

Environmental issues:

- The impact of the proposal on the natural physical features and resources of the area, in particular on soil and water quality.
 - No impact expected from the subdivision.
- The impact of the use or development on the flora and fauna on the site and its surrounds.
 - No development proposed.
- The location of on-site effluent disposal areas to minimise the impact of nutrient loads on waterways and native vegetation.
 - Should a permit be granted for the subdivision, a condition of the permit would require the applicant/owner to submit for approval a land capability assessment prior to the development commencing.
- 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.
 - Proposed Lot 1 containing the dwelling has been designed to minimise the loss of productive land and creating a buffer to the adjoining agricultural use at the rear (north) of the property.
- 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.
 - No impact.
- The location and design of existing and proposed infrastructure including roads, gas, water, drainage, telecommunications and sewerage facilities.
 - There are services available for the proposed subdivision.
- Whether the use and development will require traffic management measures.
 - No, 2-lot subdivision only.

Summary:

On balance, the proposal does not support and enhance agricultural production. The proposal does not provide for the use of the land for agriculture and does not encourage the retention of productive agricultural land. In decision making council must ensure that non-agricultural uses including dwellings do not adversely affect the use of land for agriculture.

The application has not justified how proposed Lot 2 meets the purpose of the zone and has advised via the amended application documentation received on 25/01/2023 proposed Lot 2 will not be used for agricultural purposes by the current owner who is no longer able to manage the residence and surrounding yards. It is the current owners intention to sell the house and yards lot (Lot 1) and retain proposed Lot 2 as it is currently being considered within a land use strategy for possible future residential use. The outcome of the land use strategy has not been determined at the time of writing this report, therefore cannot be considered in the assessment of the current application for planning permit.

It is acknowledged the intent of the application is to excise the existing dwelling, but this is not consistent with the purpose of the zone and does not meet the decision guidelines of the zone.

It is also considered the subdivision would set a precedent for subdivisions in the Farming Zone.

Municipal Planning Strategy (MPS)

Clause 02.03-1 Settlement:

- *Lake Boga (about 750 people) is an attractive, lakeside village and tourist town within commuting distance of Swan Hill, providing a range of water-based and recreational activities as well as a diverse ecosystem. Growth is expected to continue at Lake Boga because of the added security of water in the lake and the potential of residential land with lake views.*
- *Settlement planning for Swan Hill Rural City will:*
 - *Co-ordinate residential growth so that infrastructure is provided equitably between the developer and the community.*
 - *Provide rural residential development within planned estates.*
 - *Limit further subdivision and dwellings for residential purposes within farming areas.*

COMMENT: It is clear the proposed subdivision is inconsistent with this Clause. The proposed subdivision is not located within a planned estate and Council should limit further subdivision and dwellings for residential purposes within farming areas.

It is considered this application is premature. It is recommended the land be considered in a future housing strategy or related strategic project to consider the residential or rural residential qualities of the land and surrounding land. Any consideration of granting a planning permit without strategic justification is contrary to the Swan Hill Planning Scheme.

Clause 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.*

COMMENT: Although an application can be submitted for a subdivision to create a smaller lot, it does not mean that a permit should be granted for a smaller lot. Any application to create a smaller lot should justify why the smaller lot should be created. This application has failed to justify why the smaller lot should be created.

Further fragmentation because of the proposed subdivision could have considerable implications for agricultural production and potentially achieves a loss of productive agricultural land.

The application has clearly indicated the land will not be utilised for agriculture as outlined in this report.

Planning Policy Framework

Clause 12.03-1S River corridors, waterways, lakes and wetlands:

- Objective
 - 'To protect and enhance river corridors, waterways, lakes and wetlands'.*
- Strategies:
 - Protect the environmental, cultural and landscape values of all water bodies and wetlands.

COMMENT: The location of the land is existing and consistent with residential development surrounding the lake. It is not expected the lake would be impacted by the proposal.

Clause 14.01-1S Protection of agricultural land

- Objective: *To protect the state's agricultural base by preserving productive farmland*
- Strategies:
 - *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:*
 - *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.*
- *Avoid the subdivision of productive agricultural land from diminishing the long-term productive capacity of the land.*
- *Give priority to the re-structure of inappropriate subdivisions where they exist on productive agricultural land.*

COMMENT: The creation of Lot 2 will provide a 4.592-hectare vacant parcel of land the applicant has indicated will not be used for agricultural use.

The subdivision would lead to an expectation a dwelling could be constructed on proposed Lot 2 given its location to the lake and the existing surrounding dwellings. As mentioned earlier in this report, this application is considered premature, and any future use and development of the land contained in proposed Lot 2 should be strategically justified. At this point in time, the application is not strategically justified and therefore does not meet the relevant policy guidelines regarding agriculture.

Clause 14.01-1L Agriculture:

- Objective
'To avoid land use conflicts between agricultural and non-agricultural land uses'.
- Strategies:
 - *Discourage non-agricultural use and development in all rural areas other than those that support agriculture.*
 - *Separate agricultural and non-agricultural uses by using landscape buffers, orientation and siting of buildings.*
 - *Consider the effect of the proposed use and development on the amenity of adjacent land.*

COMMENT: The proposed subdivision will potentially create land use conflicts with the existing dwelling and the abutting dwellings to the south-west. Currently, proposed Lot 2 does not appear to be used for agriculture and the applicant has indicated the current owner will retain proposed Lot 2 and not use the land for agriculture. The owner wishes to retain the land of Lot 2 and sell the existing dwelling on proposed Lot 1. The retention of proposed Lot 2 is to wait until there is an outcome on a future residential land strategy that may or may not include the subject land.

Planning applications must be determined on the current planning framework and it is considered the proposal is contrary to the current planning framework applicable to the land.

- Objective
'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 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.*
 - *Encourage a beneficial agricultural outcome for the land.*
 - *Consolidate land in the same ownership if consolidation would facilitate the productive use of land.*

- *Policy guidelines.*
 - *Whether there is a need for an agreement under Section 173 of the Act that:*
 - *Prevents the subdivision of any new house erected after 30 September 2016.*
 - *Prevents the construction of a dwelling on any residual lot created.*
 - *Prevents further subdivision of any lot so as to create another lot for an existing or future dwelling.*

COMMENT: The policy discourages small lot subdivision that prejudices surrounding agricultural activities. The key strategies discourage 'small lot' subdivision unless the balance lot is at least the minimum lot size specified in the zone and small lot subdivision to meet personal and financial circumstance.

The proposal clearly is excising the existing dwelling for personal reasons and the balance lot is well under the 60-hectare minimum lot size for subdivision of the Farming Zone.

The policy also encourages any excised lot to be of a manageable size that maintains sufficient land on the balance lot to support agricultural activity. As mentioned earlier in this report, the planning application was not supported by evidence for Council to consider the balance lot is a sufficient size that can support a viable agricultural holding.

Clause 16.01-3S Rural residential development

- *Objective*
'To identify land suitable for rural residential development..

- *Strategies:*
 - *Manage development in rural areas to protect agriculture and avoid inappropriate rural residential development.*
 - *Discourage development of small lots in rural zones for residential use*

or other incompatible uses.

- Encourage consolidation of existing isolated small lots in rural zones.

COMMENT: This application is not supported by strategic justification that identifies the subject land as being suitable for rural/residential or residential development. As mentioned earlier in this report, the proposal is considered premature. It is recommended the land be considered in a future housing strategy or related strategic project to consider the residential or rural residential qualities of the land and surrounding land.

It is considered the proposed subdivision, if approved, would set a precedent for other Farming Zone subdivisions for rural/residential purposes without strategic justification.

Referral Authorities

Referrals/Notice	Advice/Response/Conditions
Section 55 Referrals	
AusNet	No response received at time of writing this report.
Powercor	Received 10/10/2022. Consent subject to conditions regarding power supply
Section 52 notices	
DELWP	Received 17/10/2022 advising: <i>'It appears that the Department has no adjoining land to the above mentioned proposal. The nearby Crown is managed by Goulburn-Murray Water and it is recommended that notice be given to them about this proposal.'</i>
GMW	Received 28/09/2022. Consent subject to conditions regarding existing onsite wastewater system to be wholly contained in proposed Lot 1 and rural water delivery share termination or transfer.
Agricultural Victoria	Received 02/11/2022. Agricultural Victoria response contained a very extensive response to the proposal. The response addressed the relevant sections of the Swan Hill Planning Scheme and included VCAT decisions to support their recommendation. Agricultural Victoria recommended the following: <i>'Agriculture Victoria considers that the proposed two (2) lot subdivision (dwelling excision) is contrary to the purpose of the zone and the strategic objectives of the Swan Hill Planning Scheme. The proposal will create another dwelling not associated with agriculture within the Farming Zone and may set a precedent for a dwelling on the proposed remaining Lot 2 and potential future sub-divisions within the proximity of Lake Boga. This would have the potential to diminish the long-term agricultural productive capacity of the land, may lead to a proliferation of dwellings in the Farming Zone, and impact surrounding agricultural land use. The refusal of the application appears supported by the VCAT decisions cited above and by State and Local Policies.</i> <i>If Council were to consider that the proposal meets the purpose of the Farming Zone, and the strategic objectives of the Swan Hill Planning Scheme and if Council determines a permit was to be granted to allow the two (2) lot subdivision (dwelling excision), Agriculture Victoria makes the following recommendations:</i> <ul style="list-style-type: none"> • <i>That conditions be placed on the permit to protect agricultural land through a binding agreement on title which ensures:</i> <ul style="list-style-type: none"> - <i>The existing dwelling on proposed Lot 1 must not be subdivided from the lot in the future, and the lot must not be subdivided to increase the number of lots, by excision or otherwise.</i> - <i>No dwelling will be permitted on proposed Lot 2, and the lot must not be subdivided to increase the number of lots, by excision or otherwise.</i> - <i>That the owner acknowledges and accepts the possibility of nuisance from agricultural activities on adjacent and nearby land due to dust, noise, odour, use of chemicals and farm machinery, traffic and hours of operation.</i> <i>This letter of advice is provided to Council to assist their assessment of the above planning permit application and any requirement in seeking further information from the applicant as part of its assessment process. The information provided should be considered as advisory in nature to inform Council's determination as</i>

	<i>the Responsible Authority.</i>
Internal Council Referrals	Advice/Response/Conditions
Engineering	Received 12/10/2022. Consent subject to conditions regarding new vehicle crossing, overland stormwater, 1% AEP storm, rural stormwater and site distance requirements for access.
Health	Received 05/10/2022. Consent subject to a condition relating to no polluted discharge beyond boundaries and must be treated.

Agricultural Victoria strongly recommended refusal of the application and provided VCAT decisions to support their view. It is considered the response from Agricultural Victoria has merit and should be considered in the determination of this planning application by Council.

A copy of Agricultural Victoria response is appended to this report.

Summary of Key Issues

The items addressed in this report have been considered in the assessment of the application. The application as detailed in this report has considered the key issues and the proposal should not be supported by Council on the grounds outlined.

Although an application can be submitted for a subdivision to create a smaller lot, it does not mean that a permit should be granted for a smaller lot. Any application to create a smaller lot should justify why the smaller lot should be created. This application has failed to justify why the smaller lot should be created.

Planning Policy of the Swan Hill Planning Scheme discourages the proposal, and the application does not demonstrate the application is acceptable in response to policy objectives and strategies.

The Farming Zone also discourages the proposal. On balance, the proposal does not support and enhance agricultural production. The proposal does not provide for the use of the land for agriculture and does not encourage the retention of productive agricultural land.

The application has not justified how proposed Lot 2 meets the purpose of the zone and only advised proposed Lot 2 will not be used for agriculture.

It is acknowledged the intent of the application is to excise the existing dwelling, but this is not consistent with the purpose of the zone and does not meet the decision guidelines of the zone.

It is considered the application is premature in nature and could potentially be considered in a future strategic project for housing within the municipality.

Approval of this type of subdivision will set a precedent for other Farming Zone subdivisions which are not considered consistent with the Scheme.

The application submitted does not provide adequate justification to support a permit being granted. The proposal is discouraged by planning policy and the Farming Zone and there is no existing strategic direction to justify the granting of a planning permit as proposed.

Consultation

The application was advertised to surrounding properties pursuant to Section 52 of the *Planning and Environment Act 1987* and no objections were received.

Financial Implications

As the proposed subdivision is of a private nature on private land, no financial implications to Council are foreseen with the exception of potential VCAT application being made by the applicant should the application for planning permit be refused by Council.

Social Implications

There are no known social implications resulting from the application.

Economic Implications

There are no known economic implications resulting from the application.

Environmental Implications

The application is for a 2-lot subdivision only and there are no known environmental impacts resulting from the proposal. Should a permit be granted for the subdivision, the applicant/owner would be required to undertake a land capability assessment to the satisfaction of the Responsible Authority prior to Certification of the Plan of Subdivision.

Risk Management Implications

There are no known risks.

Council Plan Strategy Addressed

Liveability - Building Healthy Communities.

Options

Council has two options when considering this application:

Option 1.

Issue a Notice of Refusal for the planning application for the following reasons;

1. The proposal is contrary to the Municipal Planning Strategy, in particular:
 - a. Clause 02.03-1 – Settlement
 - b. Clause 02.03-4 – Natural Resource Management
2. The proposal is contrary to Planning Policy, in particular
 - a. Clause 14.01-1S – Protection of Agricultural Land
 - b. Clause 14.01-1L – Agriculture
 - c. Clause 16.01-3S – Rural Residential Development
3. The proposal is contrary with the purpose of the Farming Zone.

4. The application did not provide adequate justification for the proposal.
5. The subdivision will set a precedent for surrounding allotments potentially leading to further proliferation of dwellings in the Farming Zone and along the Lake Boga shoreline without strategic justification.

; or

Option 2.

Issue a Notice of Decision to Grant a Planning Permit subject to the following conditions;

Subdivision

Plans

1. The subdivision as shown on the endorsed plans must not be altered unless with the prior written consent of the Responsible Authority.

Agreement under Section 173 of the Act

2. Prior to Statement of Compliance being issued for the subdivision, the owner must enter into an agreement with the Responsible Authority under Section 173 of the Planning and Environment Act 1987 to provide for the following:
 - a) No further subdivision to increase the number of lots created by the subdivision.
 - b) No dwelling is permitted on proposed Lot 2.
 - c) The owner 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.

And 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 Act.

All associated costs shall be paid by the owner/operator.

A copy shall be provided to the Responsible Authority, with the written acknowledgement of the Agreement being completed.

Mandatory Subdivision Conditions

3. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities, electricity and gas services to each lot shown on the endorsed plan in accordance with the authority's requirements and relevant legislation at the time.
4. 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.
5. The plan of subdivision submitted for certification under the Subdivision Act 1988 must be referred to the relevant authority in accordance with Section 8 of that Act.

Council's Engineering Department Conditions

6. Prior to issue of Statement of Compliance for the subdivision, vehicular crossings for Lot 2 shall be constructed in accordance with the endorsed plan(s) to the satisfaction of the Responsible Authority, and must:
 - a. Be constructed at rights angles to the road, and any redundant crossing shall be removed and replaced with concrete (kerb and channel)
 - b. Be setback a minimum of 1.0m from any side-entry pit, power or telecommunications pole, manhole cover or marker, and a minimum of 2.5m from the trunk of any street tree.
7. That storm water runoff from all buildings, tanks and paved areas must be dissipated as normal un-concentrated overland flow clear of all buildings and property boundaries.
8. Prior to Certification of the plan of subdivision, the flow paths of a 1% AEP storm need to be determined and the development designed such that no private property is inundated by this storm. These flow paths must be indicated on the plans and submitted to the Responsible Authority for approval. In rural areas natural flow paths across private property may be used.
9. The permit holder must ensure that stormwater runoff from the site can be retained within the boundaries of each lot to the satisfaction of the Responsible Authority.
10. 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.

Council's Health Department Conditions

11. No polluted drainage shall be discharged beyond the boundaries of the land from which it emanates, or into watercourse or easement drain, but shall be so treated and/or absorbed on that lot to the satisfaction of Council's Environmental Health Officer.
12. Prior to the Certification of the plan of subdivision, a Land Capability Assessment is required to be submitted and approved by Council's Environmental Health Officer for proposed Lot 1.
13. Prior to Statement of Compliance for the subdivision, all the recommendations of the Land Capability Assessment Report submitted for approval by Council's Environmental Health Officer must be implemented and complied with to the satisfaction of the Responsible Authority. This report is incorporated into and forms part of this permit

Goulburn-Murray Water Conditions

14. Any Plan of Subdivision lodged for certification must be referred to Goulburn-Murray Rural Water Corporation pursuant to Section 8(1)(a) of the Subdivision Act.
15. The existing on-site wastewater treatment and disposal systems for proposed new Lot 1 must be wholly contained within the boundaries of the new lot created by subdivision.
16. For subdivision of property holding delivery shares the applicant must either:
 - a. make application to Goulburn Murray Water pursuant to sections 224 and 229 of the Water Act 1989 to: terminate or transfer the delivery shares in relation to the property;

make a declaration that the property cease to be a serviced property (to effect excision from the district); or alternatively

- b. demonstrate to Goulburn Murray Water reasonable satisfaction the means by which a Goulburn Murray Water water supply will be metered and delivered to the lots created by the subdivision, bearing in mind requirements for water use licences and annual use limits.

Powercor Conditions

17. 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.
18. The applicant shall provide an electricity supply to all lots in the subdivision in accordance with the Distributor's requirements and standards.
19. 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.
20. 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).
21. Notes: Where electrical works are required to achieve VSIR compliance, a registered electrical contractor must be engaged to undertake such works.
22. The applicant shall establish easements on the subdivision, for all existing Distributor electric lines where easements have not been otherwise provided on the land and for any new powerlines to service the lots or adjust the positioning existing easements.

Notes:

- Existing easements may need to be amended to meet the Distributor's requirements
- Easements required by the Distributor shall be specified on the subdivision and show the Purpose, Origin and the In Favour of party as follows:

Easement Reference	Purpose	Width (Metres)	Origin	Land Benefited / In Favour Of
	Power Line		Section 88 - Electricity Industry Act 2000	Powercor Australia Ltd

Permit Expiry

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

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

Permit Notes:**Goulburn-Murray Water Note**

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

Recommendation

That Council issue a Notice of Decision to Refuse an Application for Planning Permit for a 2-Lot Subdivision of land in the Farming Zone on land known and described as 247 Lakeside Drive, Lake Boga (Lot 2 on Plan of Subdivision 133756) in accordance with the following reasons for refusal:

1. The proposal is contrary to the Municipal Planning Strategy, in particular:
 - a. Clause 02.03-1 – Settlement
 - b. Clause 02.03-4 – Natural Resource Management
2. The proposal is contrary to Planning Policy, in particular
 - a. Clause 14.01-1S – Protection of Agricultural Land
 - b. Clause 14.01-1L – Agriculture
 - c. Clause 16.01-3S – Rural Residential Development
3. The proposal is contrary with the purpose of the Farming Zone.
4. The application did not provide adequate justification for the proposal.
5. The subdivision will set a precedent for surrounding allotments potentially leading to further proliferation of dwellings in the Farming Zone and along the Lake Boga shoreline without strategic justification.

2/23 Motion**MOVED Cr Jeffery**

That Council issue a Notice of Decision to Refuse an Application for Planning Permit for a 2-Lot Subdivision of land in the Farming Zone on land known and described as 247 Lakeside Drive, Lake Boga (Lot 2 on Plan of Subdivision 133756) in accordance with the following reasons for refusal:

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4. The application did not provide adequate justification for the proposal.
5. The subdivision will set a precedent for surrounding allotments potentially leading to further proliferation of dwellings in the Farming Zone and along the Lake Boga shoreline without strategic justification.

SECONDED Cr McKay

The Motion was put and LOST

MOVED Cr Moar

Issue a Notice of Decision to Grant a Planning Permit subject to the following conditions;

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And 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 Act.

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A copy shall be provided to the Responsible Authority, with the written acknowledgement of the Agreement being completed.

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20. 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).
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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:**Goulburn-Murray Water Note**

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

SECONDED Cr Young

The Motion was put and CARRIED

Cr McKay called for a division

For: Crs King, Moar and Young

Against: Crs McKay, JK Kelly and Jeffery

The Deputy Mayor Cr King exercised his casting vote to resolve the tied vote.

The Mayor Cr McPhee returned to the meeting and was informed of the decision at 2.26pm.



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Agriculture Victoria

Department of Jobs, Precincts and Regions

01 November 2022

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

Email: council@swanhill.vic.gov.au

Dear Tamara,

RE: Subdivision of land (2 lot) in the Farming Zone (Dwelling Excision).

**Land at: 247 Lakeside Drive, LAKE BOGA
Lot 2 LP133756**

Your Ref: PLN2022091

Thank you for the opportunity to provide comment pursuant to a notice of application under Section 52 of the *Planning and Environment Act, 1987*.

The advice provided in this letter relates to:

1. Planning context.
2. Supporting documents
3. Strategic objectives and protection of agricultural lands.

1. Planning context.

The subject land is approximately 5.4 hectares in area and zoned Farming Zone (FZ), subject to Clause 35.07 of the Swan Hill Planning Scheme. The property is affected by;

- Specific Controls Overlay – Schedule 1 (SCO1)
- Areas of Aboriginal Cultural Heritage Sensitivity

The Title Search shows that Lot 2 on Plan of Subdivision 133756 was created by instrument J710200 on 11 November 1981 and has no encumbrances, caveats or notices.

The application is seeking permission for a two (2) lot subdivision (Dwelling excision). In accordance with the Schedule to Clause 35.07 Farming Zone, of the Swan Hill Planning Scheme the land is subject to a minimum subdivision area of 20 hectares applied to all land which is in a gazetted irrigation district, all other land has a minimum area of 100 hectares. Within the Section 52 referral, Council has indicated that the land is within the irrigation district.

Clause 35.07-3 Subdivision states that;

- *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.*

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- 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.

Agriculture Victoria notes that 247 Lakeside Drive, LAKE BOGA, is associated with three (3) parcels of land totalling approx. 6.67 ha in area, all under Council Property Number 4327 comprising:

- Lot 2 LP133756 (5.4 ha).
- Lot 1 TP879100 (1.1 ha).
- Lot 1 TP880675 (0.26 ha).

The proposed subdivision in *Plan of Proposed Subdivision S1344 Price Merrett Consulting (07/09/2022)* shows the proposed two (2) lots comprising:

- Lot 1 (0.8 ha) including dwelling.
- Lot 2 (4.592 ha).

2. Supporting documents.

Agriculture Victoria has reviewed the application documents and provides a summary of relevant points:

Planning Report

Agriculture Victoria notes that document titled; *Planning Application by Price Merrett Consulting, September 2022 (Ver 1, S1344)*, states the following:

- *Price Merrett Consulting Pty Ltd (PMC) was engaged by Len McDonald to provide planning and surveying input into the design of this proposed subdivision at 247 Lakeside Drive, Lake Boga.*
- *This Report is provided in support of the Subdivision Planning Application to the Swan Hill Rural City Council.*
- *The lot is bounded by Lakeside Drive to the south and Lake Baker Road to the west. There are multiple residential properties in the farming zone along Lakeside Drive. The property has an existing dwelling and sheds with a large single paddock to the west of the house which is currently vacant and surrounded by trees along the boundary.*
- *The purpose of the zone is to ensure compliance with the Municipal Planning Strategy and the Planning Policy Framework while providing for agriculture and complementary use and development and preventing uses not related to agriculture.*
- *The proposal is for a two-lot subdivision on Lot 1 LP133756. The subdivision is a Rural House Lot Excision will create an 8000m² lot containing the existing dwelling and sheds and the remaining vacant land will create a 4.592ha lot in the farming zone. Proposed Lot 2 will be made available for sale to be used for dryland agriculture in the farming zone.*
- *This proposal for a Rural House Lot Excision and the two-lot subdivision will increase agricultural production as the vacant lot will be available for sale to be used for farming.*

Site Plans

The *Plan of Proposed Subdivision - S1344 (07/09/2022)* by Price Merrett Consulting show;

- Planned boundary and layout of the proposed Lot 1 (8,000 m²), including;
 - Existing Dwelling, existing driveway, two existing sheds and other small structures.

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- Planned boundary and layout of the proposed Lot 2 (4.592 ha) including open farm land.

3. Strategic objectives and protection of agricultural lands.

The following clauses of the Swan Hill Planning Scheme are relevant to this application;

- Clause 02.03-1 Settlement
 - *Lake Boga (about 750 people) is an attractive, lakeside village and tourist town within commuting distance of Swan Hill, providing a range of water-based and recreational activities as well as a diverse ecosystem. Growth is expected to continue at Lake Boga because of the added security of water in the lake and the potential of residential land with lake views.*
 - *Settlement planning for Swan Hill Rural City will:*
 - *Provide rural residential development within planned estates.*
 - *Limit further subdivision and dwellings for residential purposes within farming areas.*
- Clause 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.*

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- *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.*
- Clause 12.03-1L River corridors, waterways, lakes and wetlands:
 - Strategy to:
 - Set development back from waterways and water bodies to assist the protection of the catchment, natural environment and landscape.
- Clause 14.01-1S Protection of agricultural land:
 - Objective: *To protect the state's agricultural base by preserving productive farmland, and strategies to:*
 - *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:*
 - *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.*
 - *Avoid the subdivision of productive agricultural land from diminishing the long-term productive capacity of the land.*
 - *Give priority to the re-structure of inappropriate subdivisions where they exist on productive agricultural land.*
 - Objective: *To avoid land use conflicts between agricultural and non-agricultural land uses.*
 - Strategies:
 - *Discourage non-agricultural use and development in all rural areas other than those that support agriculture.*
 - *Separate agricultural and non-agricultural uses by using landscape buffers, orientation and siting of buildings.*
 - *Consider the effect of the proposed use and development on the amenity of adjacent land.*
 - *Encourage: Agriculture in the Farming Zone.*
 - *Discourage: Dwelling other than in association with agriculture in the Farming Zone.*
 - Objective: *To discourage small lot subdivision that prejudices surrounding agricultural activities.*

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- 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 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.
 - Encourage a beneficial agricultural outcome for the land.
 - Consolidate land in the same ownership if consolidation would facilitate the productive use of land.
- Policy guidelines.
 - Whether there is a need for an agreement under Section 173 of the Act that:
 - Prevents the subdivision of any new house erected after 30 September 2016.
 - Prevents the construction of a dwelling on any residual lot created.
 - Prevents further subdivision of any lot so as to create another lot for an existing or future dwelling.
- Clause 16.01-3S Rural residential development:
 - Strategies to:
 - Manage development in rural areas to protect agriculture and avoid inappropriate rural residential development.
 - Discourage development of small lots in rural zones for residential use or other incompatible uses.
 - Encourage consolidation of existing isolated small lots in rural zones.
- Clause 35.07-6 – Farming Zone Decision guidelines:
 - Agricultural issues and the impacts from non-agricultural uses:
 - Whether the use or development will support and enhance agricultural production.
 - Whether the use or development will adversely affect soil quality or permanently remove land from agricultural production.
 - The potential for the use or development to limit the operation and expansion of adjoining and nearby agricultural uses.
 - The capacity of the site to sustain the agricultural use.
 - Accommodation issues:
 - Whether the dwelling will result in the loss or fragmentation of productive agricultural land.
 - Whether the dwelling will be adversely affected by agricultural activities on adjacent and nearby land due to dust, noise, odour, use of chemicals and farm machinery, traffic and hours of operation.
 - Whether the dwelling will adversely affect the operation and expansion of adjoining and nearby agricultural uses.

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- *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.*

Conclusion:

The Swan Hill Shire Council as the responsible authority will have to make a determination as to whether the application for a two (2) lot subdivision (Dwelling excision), is supported or otherwise by the purpose, objectives and strategies of the Swan Hill Planning Scheme.

Caselaw that may be considered includes the Victorian Civil and Administrative Tribunal (VCAT) rulings within *Estate of JE Walker v Wangaratta RCC [2021] VCAT 125*. The case addresses the purpose of the Farming Zone and discussion on what constitutes productive use of agricultural land, subdivision, impacts on agricultural land value, impacts on surrounding land use, and the potential for lifestyle use of the land with the establishment of an 'as of right' presumption for a dwelling.

The purpose of the Farming Zone includes:

- *To provide for the use of the 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.*

In *Estate of JE Walker v Wangaratta RCC [2021] VCAT 125*, the Member Martin discusses the purpose of the Farming Zone including the three (3) points noted above: *"The last three purposes are very on point here - a focus on protecting/retaining productive agricultural land and avoiding non-agricultural uses which would undermine such productive agricultural focus"* and *"the planning policy framework is also promoting the productive agricultural use of land zoned Farming Zone and discouraging subdivision that would compromise same"*. [41]

The same case finds that being in close proximity to a major town, in that instance Wodonga, may influence potential future land use; *"I do see a major prospect that if the three lot subdivision went ahead, the new lots would be attractive to use as lifestyle properties"*. [46]

Mount Alexander Shire Council cites *Alford v Corangamite SC [2018] VCAT 853 (12 June 2018)* as being relevant to this application. Agriculture Victoria acknowledges that there are similarities with this proposed subdivision in that Member Carew states;

- *23. The proposal will create a small lot within a Broadacre farming area. The larger Lot 2 will comprise the farming activity, while the dwelling is excised. While the land is north of the area identified in the Shire's framework plan as the most significant agricultural land, the area forms part of the rural assets of the Shire as well as part of the lakes landscape.*
- *24. I accept that the land uses that presently exist will not alter on the land because of this subdivision. I also find that the dwelling is habitable, waste water can be managed and the lot is close to the preferred size set out in the local policy. I also accept that the excision will not necessarily lead to a proliferation of dwellings in the area and there is no existing clustering of dwellings, although I note that there is a small title associated with a former school site opposite the review site.*
- *25. These positive aspects must be weighed against the overall objectives of policy and the zone to protect agricultural land and to prevent land use conflict. I find that the proposal is not supported by the State and local policy relating to agriculture or the objectives of the Farming Zone as set out below.*
- *26. ... The excision is not required to support the existing farming operation and merely allows the sale of a separate asset.*
- *27. ... the excision of dwellings can result in land use conflicts. While the present tenant (a rural contractor) may be familiar with the potential land use conflicts, there is no certainty that the purchaser would be the current tenant, or that the land would not be*

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subsequently on-sold in the future to an occupant who was not so familiar with the rural environment.

- 30. *The proposal also allows for the construction of a new dwelling on the remnant larger lot, potentially without planning approval. The Section 173 requirement is intended to prevent further dwelling excisions from this larger lot in the future, but the proposal would still allow an increase in the number of dwellings on the land. While the permit applicant indicated that their intention was not to construct a new dwelling but to continue farming as at present, there is nothing to require this.*

In *Pincott & Ors v Baw Baw SC* [2012] VCAT 1137, Member David made the following statement in regard to small lots with dwellings not associated with agriculture: *I have previously identified that it has been regularly stated and inferred that the purpose of the small realignment lot is to provide for a dwelling for a member of the Toscano family. However, despite this stated intent, the allotment would be a separate entity in its own right that could be on-sold at any time in the future as a small rural residential lot located in the Farming Zone. This is not encouraged in the planning scheme, and the planning system is regularly complicated by objections against farming and associated activity in the rural zones by rural-living residents who appear to have limited understanding of or tolerance for surrounding uses for which the land is specifically zoned.* [60]

Agriculture Victoria notes that:

- The subject lot was identified in the Rural Land Use Strategy (2016) as an area of investigation for Rural residential development, but was *found to not be currently candidate for rural residential development. However, subject to resolution of site specific issues, supply and demand, these areas may be candidate in the future.*
- The RLUS also found that:
 - *There is a substantial supply of vacant General Residential Zone land within the Lake Boga township that was rezoned in 2013.*
 - *The investigation area is identified as Farmland of State Strategic Significance.*
 - *Both nominated areas did not meet the Local Areas policy for Lake Boga (Clause 21.10 of the Swan Hill Planning Scheme), which specifies that residential development, including low density residential development, is to occur adjacent to existing development and serviced with reticulated sewerage and town water.*

Agriculture Victoria considers that the application;

- Does not explain or justify why the excision is required and how it will support and enhance agricultural production.
- If approved would potentially set a precedent for surrounding parcels of land and potentially lead to a further proliferation of dwellings in the Farming Zone and along the shoreline of Lake Boga.
- The dwelling excision will create a small lot within the farming area which will not be associated with farming and most likely lead to a lifestyle property. The remaining proposed Lot 2 of 4.592 ha may be impacted on by the proximity of a dwelling in separate ownership and lead to conflicts in land use.

Recommendations

Agriculture Victoria considers that the proposed two (2) lot subdivision (dwelling excision) is contrary to the purpose of the zone and the strategic objectives of the Swan Hill Planning Scheme. The proposal will create another dwelling not associated with agriculture within the Farming Zone and may set a precedent for a dwelling on the proposed remaining Lot 2 and potential future sub-divisions within the proximity of Lake Boga. This would have the potential to diminish the long-term agricultural productive capacity of the land, may lead to a proliferation of dwellings in the Farming Zone, and impact surrounding agricultural land use.

OFFICIAL

The refusal of the application appears supported by the VCAT decisions cited above and by State and Local Policies.

If Council were to consider that the proposal meets the purpose of the Farming Zone, and the strategic objectives of the Swan Hill Planning Scheme and if Council determines a permit was to be granted to allow the two (2) lot subdivision (dwelling excision), Agriculture Victoria makes the following recommendations:

- That conditions be placed on the permit to protect agricultural land through a binding agreement on title which ensures:
 - The existing dwelling on proposed Lot 1 must not be subdivided from the lot in the future, and the lot must not be subdivided to increase the number of lots, by excision or otherwise.
 - No dwelling will be permitted on proposed Lot 2, and the lot must not be subdivided to increase the number of lots, by excision or otherwise.
 - That the owner acknowledges and accepts the possibility of nuisance from agricultural activities on adjacent and nearby land due to dust, noise, odour, use of chemicals and farm machinery, traffic and hours of operation.

This letter of advice is provided to Council to assist their assessment of the above planning permit application and any requirement in seeking further information from the applicant as part of its assessment process. The information provided should be considered as advisory in nature to inform Council's determination as the Responsible Authority.

Please provide a copy of the outcome for our records.

Please contact me if you require any further clarification.

Regards

**Paul Wallace**

Agriculture Victoria Planning and Advisory Service
Biosecurity and Agriculture Services | Agriculture Victoria

Department of Jobs, Precincts and Regions

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B.23.3 USE AND DEVELOPMENT OF A KINDERGARTEN IN THE LOW DENSITY RESIDENTIAL ZONE

Responsible Officer:	Director Development and Planning
File Number:	PLN2022083
Attachments:	<ol style="list-style-type: none">1 Development Plans2 Landscaping Plan3 Written submission4 Stormwater Management Plan5 Noise Impact Assessment6 Traffic Engineering Report7 Objections8 Applicant's response to objections

Declarations of Interest:

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

Applicant	Tom Harrington – Navy Blue Planning
Proposal	Development of a Kindergarten
Zoning	Low Density Residential Zone (LDRZ)
Overlay	Specific Controls Overlay – Schedule 1
Reason for reporting to Council	Objection by adjoining land owners
Advertised	Yes
Number of objections	Two

Summary

The purpose of this report is to consider a planning permit application for the use and development of a Kindergarten in the Low Density Residential Zone. The land supports an existing Child Care Centre and the application proposes an additional building toward the rear of the site to operate a separate Kindergarten. The land is within the Low Density Residential Zone and is impacted by the Specific Controls Overlay – Schedule 1. The officer recommendation is to issue a Notice of Decision to Grant a Permit.

Subject Land

The subject land is a large rectangular lot located on the western side of Yana Street to the south-west of central Swan Hill. The lot has an area of 7810 square meters with a frontage of 40m to Yana Street and is zoned Low Density Residential with no overlays relevant to this application.

The subject land contains an existing Child Care Centre operating under planning permit 2014-24 issued under the direction of the Victorian Civil and Administrative Tribunal (VCAT) on 5th November 2014. The existing facility is located approximately 54m from the eastern boundary (site frontage) and extends approximately 43m into the site. The planning permit for the existing Child Care Centre limits operation to between the hours of 8am to 6pm and allows for up to 40 children at the facility. The existing facility is accessed from Yana Street to the north of the eastern boundary and includes the provision of 12 car parking spaces.

Public transport includes bus routes along Yana Street with bus stops approximately 135m to the north and 60m to the south of the subject land.

The subject land is opposite the Swan Hill Specialist School and approximately 150m to the south of the Swan Hill Primary School. The specialist school has approximately 110 students and 30 staff and the Primary School has approximately 500 students and around 55-60 staff.

Ken Harrison Reserve is located 80m to the south and sub-precinct 4 of the South-West Development Precinct is located approximately 370m to the south with an expected 120 residential lots to be created over several stages.

The subject land is within an area that anticipates significant growth with the location of the South West Development Sub-Precinct 3 directly to the west of the subject land and sub precinct 4 and 5 approximately 370m to the south of the subject land.



Figure 1. Aerial image of subject land outlined in red

The zoning within the surrounding area is quite diverse and includes land zoned:

- Public Use Zone 2 – Education
- Public Use Zone 6 – Local Government
- Public Use Zone 7 – Other Public Use
- General Residential Zone
- Public Park and Recreation Zone
- Transport Zone 3 (surrounding roads)

Such a diversity of zones naturally supports varied land uses and the area is considered to be one of future growth and development.

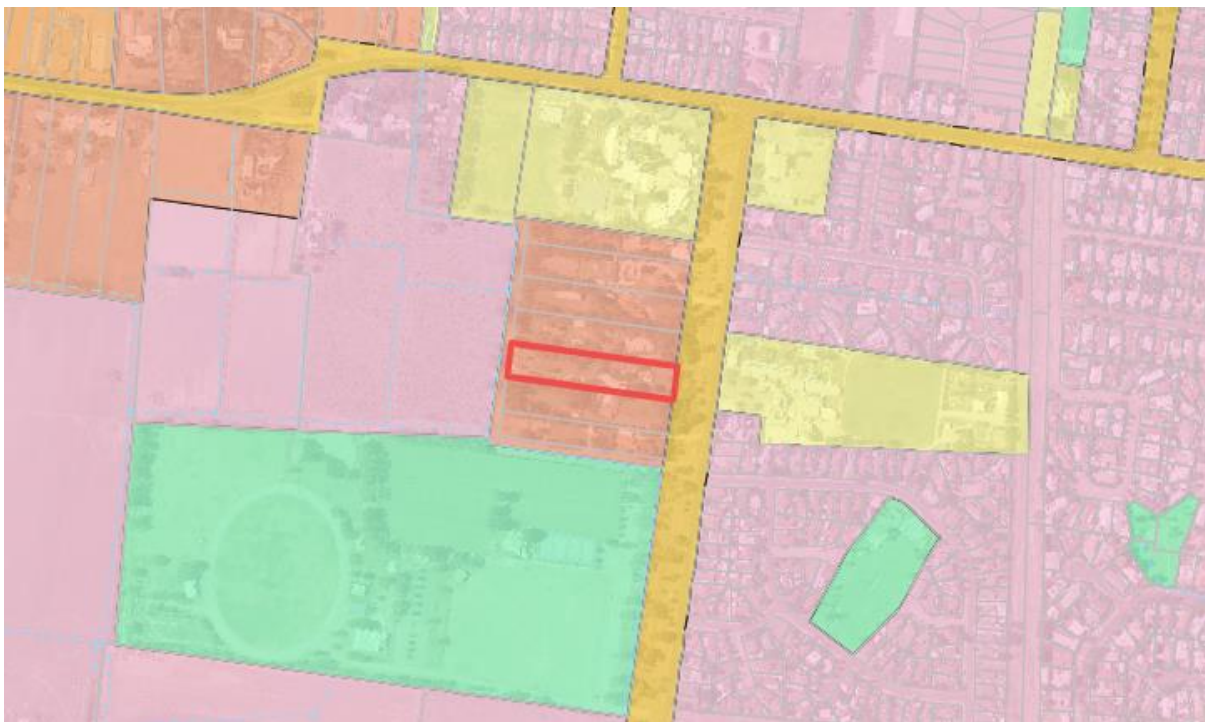


Figure 2. Zoning of subject land and surrounds with subject land outlined in red.

Proposal

The application is for the use and development of a Kindergarten at 24 Yana Street which is the site of an existing Child Care Centre.

The proposed Kindergarten would offer 40 places and would be staffed by approximately 4-6 additional staff members.

The existing Child Care Centre offers places for 40 children and will continue operating as it currently is. The total places of the combined facility would therefore be 80.

The proposal involves a new building to be constructed toward the rear of the property with a setback of approximately 128.67m from the front of the property and 44.5m from the rear of the property. The proposed building would be setback 3m from the northern boundary and 23.9m from the southern boundary.

The proposed building would have a floor area of 280 square metres comprising two separate 'common rooms' connected by a central passage, centrally located staff room and laundry, toilet facilities and a kitchen.

The proposal includes a fenced off area for outdoor recreation to the southern and western area of the proposed building.

The indoor and outdoor areas exceed the National Regulations of the space required per child.

The proposal includes additional Colorbond fencing for a distance of 25m to the north and south of the proposed outdoor area.

The proposal also includes the widening of the accessway and the addition of 11 car parks to bring the total number to 23 car spaces located on-site.

The proposed kindergarten is to operate between 8am and 6pm Monday to Friday. A variety of activities are to be provided throughout the day including indoor free-play and structured learning as well as outdoor activities. Outdoor play is not expected to exceed 4 hours per day and the children are to be separated by age groups with only 20 children outdoors at any one time.

Demand for Kindergarten facilities

In June of last year, the State Government announced its commitment to expand kindergarten programs with the following reforms:

- Free kindergarten programs from 2023 for all Victorian three and four year olds.
- Over the next ten years, four year old kindergarten will transition to pre-prep increasing to a universal 30-hour a week program.
- The reforms build on three year old kindergarten which provides 5 to 15 hours a week of government funded programs with hours to be at a minimum of 15 within the next 10 years.

These reforms are likely to increase the demand on an already strained area. Council's Family Youth and Children's Services Manager has advised that demand will increase by approximately three times the current demand as the reforms roll out.

Clause 19.02-2S of the Planning Policy Framework of the Swan Hill Planning Scheme identifies the need to assist the integration of education and early childhood facilities with local and regional communities. Consideration of the increased demand created by coming reforms is therefore a relevant planning consideration and is discussed further below.

Supporting Information

The application was accompanied by supporting documentation including a noise impact assessment, stormwater management plan and a traffic impact assessment. Copies of these documents are attached to this report.

Noise Impact Assessment

- The Noise Impact Assessment prepared by Audiometric and Acoustic Services, used a noise prediction modelling tool to assess the proposed facility in relation to the nearest noise sensitive receivers. The predicted noise level from 20 children playing outdoors received 45dB at a distance of 30m from the proposed development. The criterion is 52dB. The acoustic assessment concludes that if the centre's activities comply at the nearest noise sensitive receiver, they will fully comply at noise sensitive receivers at further distances without the need for any additional mitigation measures. Recommendations from the acoustic report include a Noise Management Plan which can be conditioned on permit should one be issued.

While the Noise Impact Assessment did not require mitigation measures, a condition of permit, should one be issued, will required the Kindergarten operator to conduct additional noise compliance testing within three months of the opening of the Kindergarten with suitable mitigation measures subsequently implemented should they be required as a result of the acoustic results.

Stormwater Management Plan

- The Stormwater Management Plan outlined that the present drainage system uses overland flow with stormwater runoff captured by an existing dam via table drains and finally discharged to the rear of the property. The proposed stormwater management plan includes separating the site into three separate catchment areas and includes bioretention and raingardens in each area.

Council's Engineering Officers have reviewed the application and advised that while further detailed drainage requirements are to be conditioned if a permit is issued, the property is capable of managing stormwater. Additionally, stormwater generated by the built form and hardstand areas is not considered to be significantly greater than would be expected of a residential development with extended driveways and outbuildings at the subject site.

Traffic Engineering Report

- The Traffic Engineering Report identifies Yana Street as a collector road carrying approximately 1,500 vpd in the vicinity of the subject site which increases to approximately 2,500 vpd at the northern end of Yana Street. The report concludes that Yana Street would remain well within the environmental capacity with the additional trips generated by the proposed facility. Council's Engineering Officers have advised that the site can adequately manage entry and exit with further detailed design to ensure optimal safety.

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It is also worth noting that upgrades to Yana Street and various intersection treatments will be required in the future as part of the south-west development precinct.

Policy Direction

Municipal Planning Strategy (MPS) – Swan Hill Planning Scheme

Clause 02.03-1 of the Municipal Planning Strategy indicates that there are no infrastructure constraints for the future development of the Swan Hill township. Settlement planning is to locate the majority of population growth within Swan Hill and Robinvale.

Planning Policy Framework (PPF) – Swan Hill Planning Scheme

Clause 11.01-1S – Settlement. The policy aims to facilitate the sustainable growth and development of Victoria with strategies focused on encouraging a form and density of settlements that supports healthy, active and sustainable transport, limiting urban sprawl and directing growth into existing settlements to develop compact urban areas to maximise accessibility to facilities and services. The proposal serves to co-locate a number of educational facilities within an area of residential growth that also supports additional land uses including leisure and recreation facilities and other public land uses including an army reserve barracks.

Clause 13.07-1S – Land use compatibility. The policy aims to protect community amenity, human health and safety while facilitating appropriate commercial, industrial, infrastructure or other uses with potential adverse off-site impacts. It is unlikely that the proposal will pose any health and/or safety risks due to the nature of the facility. Potential amenity impacts include noise emanating from the facility, particularly during outdoor play periods. The large site area, rear positioning of the facility and structured outdoor play serve to mitigate potential amenity impacts from the abutting properties.

Clause 13.07-1L – Non-residential uses in residential areas. The policy aims to ensure non-residential uses are located where they will not unreasonably impact on the amenity of the area, ensure the siting and design of proposed buildings and works are compatible with the surrounding area, and to minimise loss of amenity and privacy to people living near non-residential uses. Identified strategies to achieve the objectives include:

- *Encouraging non-residential uses to be located within or close to existing community or commercial facilities.*
- *Encouraging non-residential uses to be located along roads that can carry anticipated traffic volumes.*
- *To design and site buildings and works that are of a scale and architectural style that is compatible with the surrounding residential area and streetscape.*
- *Encourage car parks to be located to the rear of buildings, or to be set back from the frontage to provide adequate landscaping.*
- *Encourage direct access to reception areas from car parking areas.*

- *Locate open space and outside storage areas in child care centres away from abutting residential uses.*
- *Provide acoustic fencing of a scale and design that protects adjacent residential amenity and privacy.*
- *Encourage the siting and dimensions of signage to be in keeping with residential areas.*
- *Discourage flashing and illuminated signs.*
- *Encourage hours of operation that maintain the residential amenity of the area.*
- *Encourage development to include features to reduce noise and loss of privacy.*
- *To discourage the generation of traffic that has a detrimental impact on the existing road network or pedestrian and vehicular safety.*

The proposal is located within an area that supports existing community facilities. Yana Street is classified as collector road and is considered capable of accommodating the additional traffic volumes generated by the proposal as discussed in the supporting Traffic Engineering Report.

The proposal is of a reasonable scale with a building height to eaves of 2.4m that is located toward the rear of the lot approximately 60m from the rear of the dwelling to the north and 40m from the rear of the dwelling to the south.

The proposed car parks are located parallel to the northern boundary and have been designed to retain the generous landscaping at the majority of the property frontage.

The location of the car parking area is convenient to both the existing and the proposed facilities.

The open space areas are located to the south and west of the proposed building away from abutting residential uses. The proposal includes Colorbond fencing to the north and the south of the open space areas with permit conditions able to detail required specifications to ensure noise reduction and preservation of privacy.

No additional signage is proposed in this application.

The proposed hours of operation generally align with standard business hours with optimal residential amenity maintained during evening hours.

As discussed above, Yana Street is identified as a council collector road with traffic generated by a number of sources. The anticipated increase in traffic is considered to be of a small proportion to the traffic generated by existing land uses.

Clause 19 – Infrastructure. This policy includes the following strategies:

- *Planning for development of social and physical infrastructure should enable it to be provided in a way that is efficient, equitable, accessible and timely.*

- *Planning is to recognise social needs by providing land for a range of accessible community resources, such as education, cultural, health and community support facilities.*

Clause 19.02-2 – Education facilities. The policy enhances upon the above by providing objectives and strategies specific to education facilities to assist the integration of education and early childhood facilities with local and regional communities. Identified strategies to achieve this include:

- *Consider demographic trends, existing and future demand requirements and the integration of facilities into communities in planning for the location of education and early childhood facilities.*
- *Locate childcare, kindergarten and primary school facilities to maximise access by public transport and safe walking and cycling routes.*
- *Ensure childcare, kindergarten and primary school and secondary education facilities meet the existing and future education needs of communities.*
- *Ensure streets and accessways adjoin education and early childhood facilities are design to encourage safe bicycle and pedestrian access.*
- *Consider the existing and future transport network and transport connectivity.*
- *Co-locate a kindergarten facility with all new Government primary schools.*

As discussed above, there is an evident demand for Kindergartens with demand further increased as a result of recent government reforms. The location of the proposal allows for the integration of education facilities in an area that is conveniently located and well serviced by public transport and pedestrian routes. Yana Street includes a wide road reserve with a well-defined pedestrian route along the western side that serves to connect the residential areas to schools and recreational facilities.

Zoning

Low Density Residential Zone – Clause 32.03 of the Swan Hill Planning Scheme

The purpose of the zone is ensure compliance with the Municipal Planning Strategy and the Planning Policy Framework while providing for low-density residential development on lots which, in the absence of reticulated sewerage, can treat and retain all wastewater.

While the purpose of the zone does not refer to non-residential uses, Clause 32.03-1 outlines a number of permit required uses that may be appropriate within the zone. The use of land for a Kindergarten is a Section 2 use.

The decision guidelines refer to the decision guidelines of Clause 65 and the Municipal Planning Strategy and Planning Policy Framework which have been addressed above.

Additionally, the proposal maintains the traditional appearance of residential built form by locating the kindergarten to the rear and retaining the large area of

landscaping at the site frontage. The land is connected to all required services including reticulated sewerage.

Overlays

Specific Controls Overlay – Clause 45.12 of the Swan Hill Planning Scheme

Land affected by this overlay may be used or developed in accordance with a specific control contained within the incorporated document 'Goulburn-Murray Water: Connections Project and Water Efficiency Project Incorporated Document, November 2021'. The purpose of the incorporated document is to allow for irrigation modernisation works by or on behalf of Goulburn-Murray Water. The controls of the overlay are not relevant to this proposal.

Particular Provisions

Car Parking – Clause 52.06 of the Swan Hill Planning Scheme

The purpose of the provision is to:

- *To ensure that car parking is provided in accordance with the Municipal Planning Strategy and the Planning Policy Framework.*
- *To ensure the provision of an appropriate number of car parking spaces having regard to the demand likely to be generated, the activities on the land and the nature of the locality.*
- *To support sustainable transport alternatives to the motor car.*
- *To promote the efficient use of car parking spaces through the consolidation of car parking facilities.*
- *To ensure that car parking does not adversely affect the amenity of the locality.*
- *To ensure that the design and location of car parking is of a high standard, creates a safe environment for users and enables easy and efficient use.*

Table 1 of Clause 52.06-5 provides specific car parking rates for Child care centres and has been used as a guide for appropriate car parking in the absence of specific rates for Kindergartens. The number of required car parking is 0.22 to each child. As the existing facility provides for 40 children, the number of required car parks was 8. An additional 8 car parks is also required for the additional 40 children bringing the total number of required car parks at the combined facility to 16. The proposal includes the provision of 23 spaces and therefore meets the requirements of the Swan Hill Planning Scheme.

The car parks are located to be convenient for both the existing facility and the proposed facility with the ability for vehicles to exit the site in a forward manner. The location of the car parking area allows for the majority of the existing landscaping to be retained at the frontage of the site.

Assessment Summary

The proposal accords with the objectives of the MPS and the PPF by providing a community service of recognised and growing demand in a central location that is accessible by existing and future residential areas including the South West Development Precinct to the south and west.

Child care centres and kindergartens are generally accepted as appropriate non-residential uses in residential areas provided a satisfactory design outcome can be achieved and amenity impacts appropriately addressed.

It is recognised that the subject land includes sensitive interfaces to the north and south. The location of the proposed kindergarten, toward the rear of the site, allows for sufficient setbacks to dwellings on abutting land. Additional fencing at the perimeter of the outdoor play areas provides privacy and a reduction in noise audible from abutting properties.

The proposal utilises an existing site with existing infrastructure and available services to provide an early learning facility in proximity to other educational facilities.

Consultation

Public notification

The application was notified by sending letters to adjoining land owners and by placing a sign on the site. Advertising of the application drew two objections from abutting land owners. A copy of the objections are attached to this report.

The objections raised issues with the following;

- Non-compliance with the planning permit for the existing child care centre.
- Noise management and noise mitigation treatments.
- Stormwater management.
- Car parking and traffic management.
- Lack of evidence of need.

The planning permit file for the existing child care centre includes previous correspondence regarding non-compliance including a letter from Council dated 5 September 2017 in which numerous areas of alleged non-compliance were addressed. The development was found to be compliant with the planning permit and the matter was considered to be resolved.

Noise management and noise mitigation treatments are recognised to be an important component to ensure potential amenity impacts are addressed. The Noise Impact Assessment submitted with the application, determined that the proposed facility complied with the relevant requirements without additional mitigation measures and recommended a Noise Management Plan as a condition of permit, should one be issued.

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The subject land is within an established and developing area of Swan Hill and is considered capable of managing stormwater subject to a detailed drainage plan as a condition of permit, should one be issued.

The proposal provides more than the amount of car parking spaces required by the planning scheme. The Traffic Engineering Report submitted to support the application concluded that the site and surrounding road network is capable of accommodating the proposal.

The need for the proposed facility has been addressed above.

Referrals

The application was referred to the Department of Transport and Planning (DTP) as a requirement of Clause 66.02-11 for an application for an education centre, Lower Murray Water (LMW) as a Section 52 notice, and internally. No objections to the proposal were received:

External Authority	Response	Comment
Lower Murray Water (S52)	No objection	Subject to conditions: - LMW requirements in relation to water supply and sewerage must be met.
Department of Transport and Planning (S55 Determining)	No objection	No conditions.

Financial Implications

The proposal will have no financial implications to Council.

Social Implications

A possible social impact is the increase of education and early childhood facilities to support the increasing demand in the municipality.

Economic Implications

The provision of childcare and early years education facilities is vital for the economy of Swan Hill.

Environmental Implications

The proposal will not have environmental implications.

Risk Management Implications

The proposal will not have risk management implications.

Council Plan Strategy Addressed

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

Options

1. That Council issues a Notice of Decision to Grant a Permit for the Use and Development of a Kindergarten in the Low Density Residential Zone at No. 24 Yana Street, Swan Hill subject to conditions.
2. That Council issues a Notice of Decision to Refuse to Grant a Permit for the Use and Development of a Kindergarten in the Low Density Residential Zone at No. 24 Yana Street, Swan Hill for the following reasons:
 - a. The proposal is inconsistent with the State and Local planning policies, in particular, it does not fully satisfy the requirements of Clause 13.07-1L.
 - b. The proposal is not in accordance with the purpose of the Low Density Residential Zone.

Recommendations

That Council issues a Notice of Decision to Grant a Permit for the Use and Development of a Kindergarten in the Low Density Residential Zone at No. 24 Yana Street, Swan Hill subject to the following conditions.

PLANNING CONDITIONS –

Amended Plans Required

1. Prior to the commencement of works, amended plans drawn to scale and dimensioned 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 generally in accordance with the plans submitted with the application but modified to show:
 - a. Indication of proposed line marking to direct traffic along access lanes and driveways.
 - b. Fence heights.
 - c. Material and colour schedule of all proposed buildings and works including fencing.
 - d. Noise Management Plan as required by Condition No. 13 of this permit.
 - e. Operational Management Plan as required by Condition No. 16 of this permit.
 - f. Waste Management Plan in accordance with Condition No. 17 of this permit.
 - g. Drainage plan as required by Condition No. 19 of this permit.
 - h. Any amendments to the development plans as a result of the above

required plans.

All to the satisfaction of the responsible authority.

No Alteration or Changes

2. The development and use shown on the endorsed plans must not be altered without the written consent of the responsible authority.

Hours of operation

3. The use allowed under this permit may operate only during the following hours, except with the prior written consent of the Responsible Authority:
 - a. Monday to Friday (except Public Holidays) – 8:00am to 6:00pm.

Kindergarten children user numbers

4. No more than 40 children may use the facility at any one time without the prior written approval of the Responsible Authority.

Landscaping prior to occupation and maintenance

5. Before the occupation of the buildings allowed by this permit, landscaping works as shown on the endorsed plans must be completed to the satisfaction of the responsible authority and then be maintained, to the satisfaction of the responsible authority.

Amenity

6. The amenity of the locality must not be adversely affected by the activity on the site, the appearance of any buildings, works or materials from the premises, to the satisfaction of the Responsible Authority.
7. All proposed external lighting must be designed, baffled and located so as to prevent light from the site causing any unreasonable impacts on the locality, to the satisfaction of the responsible authority.
8. The materials to be used in the construction of the buildings and works hereby permitted shall be of non-reflective type, to the satisfaction of the Responsible Authority.
9. All buildings, works and the site associated with the use must be maintained in good order and appearance at all times to the satisfaction of the Responsible Authority.

Construction Activities

10. Construction activities must be managed so that the amenity of the area is not detrimentally affected, through the:
 - a. Transport of materials, goods or commodities to or from the land.

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- b. Inappropriate storage of any works or construction materials.
- c. Hours of construction activity.
- d. Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste and storm water runoff, waste products, grit or oil.
- e. The presence of vermin.
- f. Appropriate sediment control measures must be undertaken during construction to ensure that the development site is adequately managed in such a way that no mud, dirt, sand, soil, clay or stones are washed into or allowed to enter the stormwater drainage system.

11. Any filling of the land must occur in a manner that does not:

- a. Cause an unreasonable amount of dust to be carried onto nearby land.
- b. Adversely affect the drainage of adjacent land.

Noise Management

12. Noise levels emanating from the premises must not exceed those required to be met under the *VIC EPA Publication 1826.4 – Noise limit and assessment protocol for the control of noise from commercial, industrial and trade premises and entertainment venues*, or as amended, to the satisfaction of the Responsible Authority.

13. Prior to the commencement of the use, a Noise Management Plan (NMP) must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must set out practical measures to be taken as part of the day-to-day operation of the Kindergarten to minimise noise impacts. The plan must be generally in accordance with the recommendations of the acoustic report prepared by Audiometric & Acoustic Services (report No. 22096 dated 1st September 2022). The plan must show (but not be limited to):

- a. The Noise Management Plan must be made available to parents, neighbours and Swan Hill Rural City Council.
- b. A separate daily program for both the warmer and cooler months to be established to regulate the total time spent outdoors and indoors.
- c. A contact number for the Kindergarten Director/Manager should be made available to neighbours to facilitate communication and to resolve any neighbourhood issues that may arise due to the operation of the Kindergarten.
- d. A complaint register must be implemented by the Kindergarten. Any complaints received shall be logged with details of the nature of the

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complaint, time of the event and contact details of the complainant. The Kindergarten should review the complaint and advise the complainant of what, if any actions have been undertaken as a result within 48 hours.

- e. The number of children playing outside at any one time is limited in accordance with the requirements of Planning Permit PLN2022083 issued by Swan Hill Rural City Council.
- f. The Kindergarten should use passive programmed outdoor activities for the children. Examples include painting, garden exploration, reading, block play or drawing in certain area of the Kindergarten outdoor area.
- g. Crying children should be taken inside the Kindergarten building/s and comforted.
- h. The behaviour of children must be monitored and modified as required by adequately trained Kindergarten staff/workers.
- i. Parents and guardians should be informed of the importance of noise minimisation when entering the site, dropping off or picking up children.
- j. Kindergarten staff/workers should be educated to control the level of their voice while outside.
- k. Amplified music must be controlled to ensure compliance with the relevant noise criteria legislation.

The Noise Management Plan may be amended with the prior written consent of the Responsible Authority.

14. The Noise Management Plan approved by this permit must be implemented and complied with to the satisfaction of the Responsible Authority.

15. Noise compliance testing must be undertaken by a suitably qualified acoustic engineer no later than three (3) months after the opening of the Kindergarten. Measurements must be taken throughout the opening hours of the Kindergarten for one day and must include busy outdoor play times, at locations representative of the most exposed residential receivers. The acoustic results must be submitted to the Responsible Authority within 14 days after testing and any recommendations and/or noise mitigation measures resulting from the noise compliance testing must be implemented by the Kindergarten within 60 days of the submission of the acoustic results to the Responsible Authority.

Operation Management Plan

16. Prior to the commencement of the use, an Operational Management Plan must be submitted to and approved by the Responsible Authority. When approved, the Operational Management Plan will be endorsed and form part

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of the permit. The Plan must show (but not be limited to):

- a. Details confirming the operational hours of the Kindergarten.
- b. Kindergarten program schedules.
- c. Outdoor play times for the Kindergarten children restrictions.
- d. A playtime program with specific reference to management measures during the use of outdoor play areas.
- e. Supervision and control mechanisms to ensure that noise generated during the outdoor play times is in accordance with *VIC EPA Publication 1826.4 – Noise limit and assessment protocol for the control of noise from commercial, industrial and trade premises and entertainment venues*.
- f. Access control measures for the Kindergarten with consideration for the existing childcare centre on the land. This must include vehicular and pedestrian movements.
- g. Delivery loading/unloading times and location/s.
- h. Waste collection.

The Operational Management Plan may be amended with the prior written consent of the Responsible Authority.

Waste Management Plan

17. Prior to the commencement of the use, a Waste Management Plan must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The Waste Management Plan must show (but not be limited to):
 - a. How waste generated by the proposed centre will be stored and collected.
 - b. The location of on-site waste bin storage areas screened from public view.
 - c. The location of on-street waste bin collection points.
18. Once approved the Waste Management Plan must be implemented and complied with, to the satisfaction of the responsible authority.

Drainage

19. Prior to the commencement of works, a drainage plan is to be submitted to and approved by the Responsible Authority. The drainage plan is to include computations for a 1% AEP event and is to be prepared by a suitably qualified person to the satisfaction of the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimension and must be in accordance with Council's Infrastructure Design Manual.
20. Prior to the commencement of the use, all drainage works required by the approved drainage plan must be completed to the satisfaction of the

Responsible Authority.

Access and car parking

21. Prior to the commencement of the use, vehicle crossings must be constructed in accordance with the endorsed plans to the satisfaction of the Responsible Authority, and must:

- a. Be constructed at right angles to the road.
- b. 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.

22. The footpath and naturestrip are to be reinstated to the satisfaction of the Responsible Authority.

23. Prior to the commencement of the use, no fewer than 11 additional car parking spaces (23 car parking spaces in total) as shown on the endorsed plan must be provided and constructed on the land for the use and development to the satisfaction of the Responsible Authority.

24. Prior to the commencement of the use, areas set aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:

- a. Constructed.
- b. Properly formed to such levels that they can be used in accordance with the plans.
- c. Surfaced with an all-weather sealcoat.
- d. Drained.
- e. Line marked to show the direction of traffic along access lanes and driveways.

All to the satisfaction of the Responsible Authority.

25. Drop off and pick up of children must only be from the car parking area within the land at 24 Yana Street, Swan Hill.

26. Car spaces, access lane and driveways shown on the endorsed plans must

not be used for any other purpose, to the satisfaction of the Responsible Authority.

27. All vehicles must enter and exit the site in a forward direction to the satisfaction of the Responsible Authority.

Lower Murray Water

28. 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 commencement of the construction of the proposed development.

Expiry

29. This permit will expire if one of the following circumstances applies:
- a. The development is not commenced within two (2) years of the date of this permit.
 - b. The development is not completed within four (4) years of the date of this permit.
 - c. The use is not commenced within two (2) years of the completion of the development.

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

Notes

From the Responsible Authority

- a. All building works associated with this development must be in accordance with the Building Act 1993, Building Regulations 2018 and the Building Code of Australia.
- b. A building permit will be required for the building work associated with this development, including demolition of existing buildings, prior to commencement of works.
- c. A works within the road reserve permit will be required from Council prior to commencement of any works within the road reserve area (crossovers).

Prior to undertaking any construction works on the kitchen, approval must be obtained from Council's Public Health Unit. A copy of a detailed plan of the layout of the premises which adequately shows compliance with the *Food Safety Standard 3.2.3 Food Premises and Equipment* must be submitted to the satisfaction of Council's Environmental Health Department.

3/23 Motion

MOVED Cr Jeffery

That Council issues a Notice of Decision to Grant a Permit for the Use and Development of a Kindergarten in the Low Density Residential Zone at No. 24 Yana Street, Swan Hill subject to the following conditions.

PLANNING CONDITIONS –

Amended Plans Required

1. Prior to the commencement of works, amended plans drawn to scale and dimensioned 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 generally in accordance with the plans submitted with the application but modified to show:
 - a. Indication of proposed line marking to direct traffic along access lanes and driveways.
 - b. Fence heights.
 - c. Material and colour schedule of all proposed buildings and works including fencing.
 - d. Noise Management Plan as required by Condition No. 13 of this permit.
 - e. Operational Management Plan as required by Condition No. 16 of this permit.
 - f. Waste Management Plan in accordance with Condition No. 17 of this permit.
 - g. Drainage plan as required by Condition No. 19 of this permit.
 - h. Any amendments to the development plans as a result of the above required plans.

All to the satisfaction of the responsible authority.

No Alteration or Changes

2. The development and use shown on the endorsed plans must not be altered without the written consent of the responsible authority.

Hours of operation

3. The use allowed under this permit may operate only during the following

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hours, except with the prior written consent of the Responsible Authority:

- a. Monday to Friday (except Public Holidays) – 8:00am to 6:00pm.

Kindergarten children user numbers

4. No more than 40 children may use the facility at any one time without the prior written approval of the Responsible Authority.

Landscaping prior to occupation and maintenance

5. Before the occupation of the buildings allowed by this permit, landscaping works as shown on the endorsed plans must be completed to the satisfaction of the responsible authority and then be maintained, to the satisfaction of the responsible authority.

Amenity

6. The amenity of the locality must not be adversely affected by the activity on the site, the appearance of any buildings, works or materials from the premises, to the satisfaction of the Responsible Authority.
7. All proposed external lighting must be designed, baffled and located so as to prevent light from the site causing any unreasonable impacts on the locality, to the satisfaction of the responsible authority.
8. The materials to be used in the construction of the buildings and works hereby permitted shall be of non-reflective type, to the satisfaction of the Responsible Authority.
9. All buildings, works and the site associated with the use must be maintained in good order and appearance at all times to the satisfaction of the Responsible Authority.

Construction Activities

10. Construction activities must be managed so that the amenity of the area is not detrimentally affected, through the:
 - a. Transport of materials, goods or commodities to or from the land.
 - b. Inappropriate storage of any works or construction materials.
 - c. Hours of construction activity.
 - d. Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste and storm water runoff, waste products, grit or oil.
 - e. The presence of vermin.
 - f. Appropriate sediment control measures must be undertaken during construction to ensure that the development site is adequately managed in such a way that no mud, dirt, sand, soil, clay or stones are washed into or allowed to enter the stormwater drainage system.

11. Any filling of the land must occur in a manner that does not:

- a. Cause an unreasonable amount of dust to be carried onto nearby land.
- b. Adversely affect the drainage of adjacent land.

Noise Management

12. Noise levels emanating from the premises must not exceed those required to be met under the *VIC EPA Publication 1826.4 – Noise limit and assessment protocol for the control of noise from commercial, industrial and trade premises and entertainment venues*, or as amended, to the satisfaction of the Responsible Authority.

13. Prior to the commencement of the use, a Noise Management Plan (NMP) must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must set out practical measures to be taken as part of the day-to-day operation of the Kindergarten to minimise noise impacts. The plan must be generally in accordance with the recommendations of the acoustic report prepared by Audiometric & Acoustic Services (report No. 22096 dated 1st September 2022). The plan must show (but not be limited to):

- a. The Noise Management Plan must be made available to parents, neighbours and Swan Hill Rural City Council.
- b. A separate daily program for both the warmer and cooler months to be established to regulate the total time spent outdoors and indoors.
- c. A contact number for the Kindergarten Director/Manager should be made available to neighbours to facilitate communication and to resolve any neighbourhood issues that may arise due to the operation of the Kindergarten.
- d. A complaint register must be implemented by the Kindergarten. Any complaints received shall be logged with details of the nature of the complaint, time of the event and contact details of the complainant. The Kindergarten should review the complaint and advise the complainant of what, if any actions have been undertaken as a result within 48 hours.
- e. The number of children playing outside at any one time is limited in accordance with the requirements of Planning Permit PLN2022083 issued by Swan Hill Rural City Council.
- f. The Kindergarten should use passive programmed outdoor activities for the children. Examples include painting, garden exploration, reading, block play or drawing in certain area of the Kindergarten outdoor area.
- g. Crying children should be taken inside the Kindergarten building/s and comforted.
- h. The behaviour of children must be monitored and modified as required by adequately trained Kindergarten staff/workers.

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- i. Parents and guardians should be informed of the importance of noise minimisation when entering the site, dropping off or picking up children.
- j. Kindergarten staff/workers should be educated to control the level of their voice while outside.
- k. Amplified music must be controlled to ensure compliance with the relevant noise criteria legislation.

The Noise Management Plan may be amended with the prior written consent of the Responsible Authority.

- 14. The Noise Management Plan approved by this permit must be implemented and complied with to the satisfaction of the Responsible Authority.
- 15. Noise compliance testing must be undertaken by a suitably qualified acoustic engineer no later than three (3) months after the opening of the Kindergarten. Measurements must be taken throughout the opening hours of the Kindergarten for one day and must include busy outdoor play times, at locations representative of the most exposed residential receivers. The acoustic results must be submitted to the Responsible Authority within 14 days after testing and any recommendations and/or noise mitigation measures resulting from the noise compliance testing must be implemented by the Kindergarten within 60 days of the submission of the acoustic results to the Responsible Authority.

Operation Management Plan

- 16. Prior to the commencement of the use, an Operational Management Plan must be submitted to and approved by the Responsible Authority. When approved, the Operational Management Plan will be endorsed and form part of the permit. The Plan must show (but not be limited to):
 - a. Details confirming the operational hours of the Kindergarten.
 - b. Kindergarten program schedules.
 - c. Outdoor play times for the Kindergarten children restrictions.
 - d. A playtime program with specific reference to management measures during the use of outdoor play areas.
 - e. Supervision and control mechanisms to ensure that noise generated during the outdoor play times is in accordance with *VIC EPA Publication 1826.4 – Noise limit and assessment protocol for the control of noise from commercial, industrial and trade premises and entertainment venues*.
 - f. Access control measures for the Kindergarten with consideration for the existing childcare centre on the land. This must include vehicular and pedestrian movements.
 - g. Delivery loading/unloading times and location/s.
 - h. Waste collection.

The Operational Management Plan may be amended with the prior written consent of the Responsible Authority.

Waste Management Plan

17. Prior to the commencement of the use, a Waste Management Plan must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The Waste Management Plan must show (but not be limited to):
 - a. How waste generated by the proposed centre will be stored and collected.
 - b. The location of on-site waste bin storage areas screened from public view.
 - c. The location of on-street waste bin collection points.
18. Once approved the Waste Management Plan must be implemented and complied with, to the satisfaction of the responsible authority.

Drainage

19. Prior to the commencement of works, a drainage plan is to be submitted to and approved by the Responsible Authority. The drainage plan is to include computations for a 1% AEP event and is to be prepared by a suitably qualified person to the satisfaction of the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimension and must be in accordance with Council's Infrastructure Design Manual.
20. Prior to the commencement of the use, all drainage works required by the approved drainage plan must be completed to the satisfaction of the Responsible Authority.

Access and car parking

21. Prior to the commencement of the use, vehicle crossings must be constructed in accordance with the endorsed plans to the satisfaction of the Responsible Authority, and must:
 - a. Be constructed at right angles to the road.
 - b. 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
22. The footpath and naturestrip are to be reinstated to the satisfaction of the Responsible Authority.
23. Prior to the commencement of the use, no fewer than 11 additional car parking spaces (23 car parking spaces in total) as shown on the endorsed plan must be provided and constructed on the land for the use and development to the satisfaction of the Responsible Authority.
24. Prior to the commencement of the use, areas set aside for the parking of

vehicles and access lanes as shown on the endorsed plans must be:

- a. Constructed.
- b. Properly formed to such levels that they can be used in accordance with the plans.
- c. Surfaced with an all-weather sealcoat.
- d. Drained.
- e. Line marked to show the direction of traffic along access lanes and driveways.

All to the satisfaction of the Responsible Authority.

- 25. Drop off and pick up of children must only be from the car parking area within the land at 24 Yana Street, Swan Hill.
- 26. Car spaces, access lane and driveways shown on the endorsed plans must not be used for any other purpose, to the satisfaction of the Responsible Authority.
- 27. All vehicles must enter and exit the site in a forward direction to the satisfaction of the Responsible Authority.

Lower Murray Water

- 28. 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 commencement of the construction of the proposed development.

Expiry

- 29. This permit will expire if one of the following circumstances applies:
 - a. The development is not commenced within two (2) years of the date of this permit.
 - b. The development is not completed within four (4) years of the date of this permit.
 - c. The use is not commenced within two (2) years of the completion of the development.

In accordance with section 69 of the *Planning and Environment Act 1987*, an application may be submitted to the responsible authority for an extension of

the periods referred to in this condition.

Notes

From the Responsible Authority

- a. All building works associated with this development must be in accordance with the Building Act 1993, Building Regulations 2018 and the Building Code of Australia.
- b. A building permit will be required for the building work associated with this development, including demolition of existing buildings, prior to commencement of works.
- c. A works within the road reserve permit will be required from Council prior to commencement of any works within the road reserve area (crossovers).

Prior to undertaking any construction works on the kitchen, approval must be obtained from Council's Public Health Unit. A copy of a detailed plan of the layout of the premises which adequately shows compliance with the *Food Safety Standard 3.2.3 Food Premises and Equipment* must be submitted to the satisfaction of Council's Environmental Health Department.

SECONDED Cr Moar

Cr King Moved an AMENDMENT to the Motion

That Council

- 1. Issues a Notice of Decision to Grant a Permit for the Use and Development of a Kindergarten in the Low Density Residential Zone at No. 24 Yana Street, Swan Hill subject to the following conditions.**

PLANNING CONDITIONS –

Amended Plans Required

1. Prior to the commencement of works, amended plans drawn to scale and dimensioned 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 generally in accordance with the plans submitted with the application but modified to show:
 - a. Indication of proposed line marking to direct traffic along access lanes and driveways.
 - b. *Acoustic fencing to a height of at least 2metres and extending for three metres beyond any approved buildings or play areas.*
 - c. Material and colour schedule of all proposed buildings and works including fencing. *The new building shall be lined with acoustic rated*

plasterboard or similar material and insulation.

- d. Noise Management Plan as required by Condition No. 13 of this permit.
- e. Operational Management Plan as required by Condition No. 16 of this permit.
- f. Waste Management Plan in accordance with Condition No. 17 of this permit.
- g. Drainage plan as required by Condition No. 19 of this permit.
- h. Any amendments to the development plans as a result of the above required plans.

All to the satisfaction of the responsible authority.

No Alteration or Changes

- 2. The development and use shown on the endorsed plans must not be altered without the written consent of the responsible authority.

Hours of operation

- 3. The use allowed under this permit may operate only during the following hours, except with the prior written consent of the Responsible Authority:
 - a. Monday to Friday (except Public Holidays) – 8:00am to 6:00pm.

Kindergarten children user numbers

- 4. No more than 40 children may use the facility at any one time without the prior written approval of the Responsible Authority.

Landscaping prior to occupation and maintenance

- 5. Before the occupation of the buildings allowed by this permit, landscaping works as shown on the endorsed plans must be completed to the satisfaction of the responsible authority and then be maintained, to the satisfaction of the responsible authority. *Maintenance is to include trees and shrubs overhanging adjoining properties.*

Amenity

- 6. The amenity of the locality must not be adversely affected by the activity on the site, the appearance of any buildings, works or materials from the premises, to the satisfaction of the Responsible Authority.
- 7. All proposed external lighting must be designed, baffled and located so as to prevent light from the site causing any unreasonable impacts on the locality, to the satisfaction of the responsible authority.
- 8. The materials to be used in the construction of the buildings and works hereby permitted shall be of non-reflective type, to the satisfaction of the Responsible Authority.
- 9. All buildings, works and the site associated with the use must be maintained in good order and appearance at all times to the satisfaction of the Responsible Authority.

Construction Activities

- 10. Construction activities must be managed so that the amenity of the area is not detrimentally affected, through the:
 - a. Transport of materials, goods or commodities to or from the land.
 - b. Inappropriate storage of any works or construction materials.
 - c. Hours of construction activity.

- d. Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste and storm water runoff, waste products, grit or oil.
- e. The presence of vermin.
- f. Appropriate sediment control measures must be undertaken during construction to ensure that the development site is adequately managed in such a way that no mud, dirt, sand, soil, clay or stones are washed into or allowed to enter the stormwater drainage system.

11. Any filling of the land must occur in a manner that does not:

- a. Cause an unreasonable amount of dust to be carried onto nearby land.
- b. Adversely affect the drainage of adjacent land.

Noise Management

- 12. Noise levels emanating from the premises must not exceed those required to be met under the *VIC EPA Publication 1826.4 – Noise limit and assessment protocol for the control of noise from commercial, industrial and trade premises and entertainment venues*, or as amended, to the satisfaction of the Responsible Authority.
- 13. Prior to the commencement of the use, a Noise Management Plan (NMP) must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must set out practical measures to be taken as part of the day-to-day operation of the Kindergarten to minimise noise impacts. The plan must be generally in accordance with the recommendations of the acoustic report prepared by Audiometric & Acoustic Services (report No. 22096 dated 1st September 2022). The plan must show (but not be limited to):
 - a. The Noise Management Plan must be made available to parents, neighbours and Swan Hill Rural City Council.
 - b. A separate daily program for both the warmer and cooler months to be established to regulate the total time spent outdoors and indoors.
 - c. A contact number for the Kindergarten Director/Manager should be made available to neighbours to facilitate communication and to resolve any neighbourhood issues that may arise due to the operation of the Kindergarten.
 - d. A complaint register must be implemented by the Kindergarten. Any complaints received shall be logged with details of the nature of the complaint, time of the event and contact details of the complainant. The Kindergarten should review the complaint and advise the complainant of what, if any actions have been undertaken as a result within 48 hours.
 - e. The number of children playing outside at any one time is limited in accordance with the requirements of Planning Permit PLN2022083 issued by Swan Hill Rural City Council.
 - f. The Kindergarten should use passive programmed outdoor activities for

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- the children. Examples include painting, garden exploration, reading, block play or drawing in certain area of the Kindergarten outdoor area.
- g. Crying children should be taken inside the Kindergarten building/s and comforted.
 - h. The behaviour of children must be monitored and modified as required by adequately trained Kindergarten staff/workers.
 - i. Parents and guardians should be informed of the importance of noise minimisation when entering the site, dropping off or picking up children.
 - j. Kindergarten staff/workers should be educated to control the level of their voice while outside.
 - k. Amplified music must be controlled to ensure compliance with the relevant noise criteria legislation.

The Noise Management Plan may be amended with the prior written consent of the Responsible Authority.

- 14. The Noise Management Plan approved by this permit must be implemented and complied with to the satisfaction of the Responsible Authority.
- 15. Noise compliance testing must be undertaken by a suitably qualified acoustic engineer no later than three (3) months after the opening of the Kindergarten. Measurements must be taken throughout the opening hours of the Kindergarten for one day and must include busy outdoor play times, at locations representative of the most exposed residential receivers. The acoustic results must be submitted to the Responsible Authority within 14 days after testing and any recommendations and/or noise mitigation measures resulting from the noise compliance testing must be implemented by the Kindergarten within 60 days of the submission of the acoustic results to the Responsible Authority.

Operation Management Plan

- 16. Prior to the commencement of the use, an Operational Management Plan must be submitted to and approved by the Responsible Authority. When approved, the Operational Management Plan will be endorsed and form part of the permit. The Plan must show (but not be limited to):
 - a. Details confirming the operational hours of the Kindergarten.
 - b. Kindergarten program schedules.
 - c. Outdoor play times for the Kindergarten children restrictions.
 - d. A playtime program with specific reference to management measures during the use of outdoor play areas.
 - e. Supervision and control mechanisms to ensure that noise generated during the outdoor play times is in accordance with *VIC EPA Publication 1826.4 – Noise limit and assessment protocol for the control of noise from commercial, industrial and trade premises and entertainment venues*.
 - f. Access control measures for the Kindergarten with consideration for the existing childcare centre on the land. This must include vehicular and pedestrian movements.

- g. Delivery loading/unloading times and location/s.
- h. Waste collection.

The Operational Management Plan may be amended with the prior written consent of the Responsible Authority.

Waste Management Plan

17. Prior to the commencement of the use, a Waste Management Plan must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The Waste Management Plan must show (but not be limited to):
 - a. How waste generated by the proposed centre will be stored and collected.
 - b. The location of on-site waste bin storage areas screened from public view.
 - c. The location of on-street waste bin collection points.
18. Once approved the Waste Management Plan must be implemented and complied with, to the satisfaction of the responsible authority.

Drainage

19. Prior to the commencement of works, a drainage plan is to be submitted to and approved by the Responsible Authority. The drainage plan is to include computations for a 1% AEP event and is to be prepared by a suitably qualified person to the satisfaction of the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimension and must be in accordance with Council's Infrastructure Design Manual. *That stormwater should be retained on site and only discharged at a reduced rate.*
20. Prior to the commencement of the use, all drainage works required by the approved drainage plan must be completed to the satisfaction of the Responsible Authority.

Access and car parking

21. Prior to the commencement of the use, vehicle crossings must be constructed in accordance with the endorsed plans to the satisfaction of the Responsible Authority, and must:
 - a. Be constructed at right angles to the road.
 - b. 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.
22. The footpath and naturestrip are to be reinstated to the satisfaction of the Responsible Authority *and are not to be used for staff parking.*
23. Prior to the commencement of the use, no fewer than 11 additional car parking spaces (23 car parking spaces in total) as shown on the endorsed plan must be provided and constructed on the land for the use and development to the satisfaction of the Responsible Authority.
24. Prior to the commencement of the use, areas set aside for the parking of

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vehicles and access lanes as shown on the endorsed plans must be:

- a. Constructed.
- b. Properly formed to such levels that they can be used in accordance with the plans.
- c. Surfaced with an all-weather sealcoat.
- d. Drained.
- e. Line marked to show the direction of traffic along access lanes and driveways.

All to the satisfaction of the Responsible Authority.

25. Drop off and pick up of children must only be from the car parking area within the land at 24 Yana Street, Swan Hill.

26. Car spaces, access lane and driveways shown on the endorsed plans must not be used for any other purpose, to the satisfaction of the Responsible Authority.

27. All vehicles must enter and exit the site in a forward direction to the satisfaction of the Responsible Authority.

Lower Murray Water

28. 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 commencement of the construction of the proposed development.

Expiry

29. This permit will expire if one of the following circumstances applies:
- a. The development is not commenced within two (2) years of the date of this permit.
 - b. The development is not completed within four (4) years of the date of this permit.
 - c. The use is not commenced within two (2) years of the completion of the development.

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

Notes

From the Responsible Authority

- a. All building works associated with this development must be in accordance with the Building Act 1993, Building Regulations 2018 and the Building Code of Australia.
- b. A building permit will be required for the building work associated with this development, including demolition of existing buildings, prior to commencement of works.
- c. A works within the road reserve permit will be required from Council prior to commencement of any works within the road reserve area (crossovers).

Prior to undertaking any construction works on the kitchen, approval must be obtained from Council's Public Health Unit. A copy of a detailed plan of the layout of the premises which adequately shows compliance with the *Food Safety Standard 3.2.3 Food Premises and Equipment* must be submitted to the satisfaction of Council's Environmental Health Department.

- 2. An audit of the planning permit for the existing Child Care Centre be conducted within three months and any outstanding or non-compliant matters be enforced.**

SECONDED Cr Young

The Amendment was put and CARRIED

MOVED Cr King

That Council

- 1. Issues a Notice of Decision to Grant a Permit for the Use and Development of a Kindergarten in the Low Density Residential Zone at No. 24 Yana Street, Swan Hill subject to the following conditions.**

PLANNING CONDITIONS –

Amended Plans Required

1. Prior to the commencement of works, amended plans drawn to scale and dimensioned 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 generally in accordance with the plans submitted with the application but modified to show:
 - a. Indication of proposed line marking to direct traffic along access lanes and driveways.
 - b. Acoustic fencing to a height of at least 2metres and extending for three metres beyond any approved buildings or play areas.
 - c. Material and colour schedule of all proposed buildings and works including fencing. The new building shall be lined with acoustic rated plasterboard or similar material and insulation.
 - d. Noise Management Plan as required by Condition No. 13 of this permit.
 - e. Operational Management Plan as required by Condition No. 16 of this permit.
 - f. Waste Management Plan in accordance with Condition No. 17 of this permit.
 - g. Drainage plan as required by Condition No. 19 of this permit.
 - h. Any amendments to the development plans as a result of the above required plans.

All to the satisfaction of the responsible authority.

No Alteration or Changes

2. The development and use shown on the endorsed plans must not be altered without the written consent of the responsible authority.

Hours of operation

3. The use allowed under this permit may operate only during the following hours, except with the prior written consent of the Responsible Authority:
 - a. Monday to Friday (except Public Holidays) – 8:00am to 6:00pm.

Kindergarten children user numbers

4. No more than 40 children may use the facility at any one time without the prior written approval of the Responsible Authority.

Landscaping prior to occupation and maintenance

5. Before the occupation of the buildings allowed by this permit, landscaping works as shown on the endorsed plans must be completed to the satisfaction of the responsible authority and then be maintained, to the satisfaction of the responsible authority. Maintenance is to include trees and shrubs overhanging adjoining properties

Amenity

6. The amenity of the locality must not be adversely affected by the activity on the site, the appearance of any buildings, works or materials from the premises, to the satisfaction of the Responsible Authority.
7. All proposed external lighting must be designed, baffled and located so as to prevent light from the site causing any unreasonable impacts on the locality, to the satisfaction of the responsible authority.
8. The materials to be used in the construction of the buildings and works hereby permitted shall be of non-reflective type, to the satisfaction of the Responsible Authority.
9. All buildings, works and the site associated with the use must be maintained in good order and appearance at all times to the satisfaction of the Responsible Authority.

Construction Activities

10. Construction activities must be managed so that the amenity of the area is not detrimentally affected, through the:
 - a. Transport of materials, goods or commodities to or from the land.
 - b. Inappropriate storage of any works or construction materials.
 - c. Hours of construction activity.
 - d. Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste and storm water runoff, waste products, grit or oil.
 - e. The presence of vermin.
 - f. Appropriate sediment control measures must be undertaken during construction to ensure that the development site is adequately managed in such a way that no mud, dirt, sand, soil, clay or stones are washed into or allowed to enter the stormwater drainage system.
11. Any filling of the land must occur in a manner that does not:
 - a. Cause an unreasonable amount of dust to be carried onto nearby land.
 - b. Adversely affect the drainage of adjacent land.

Noise Management

12. Noise levels emanating from the premises must not exceed those required to be met under the *VIC EPA Publication 1826.4 – Noise limit and assessment protocol for the control of noise from commercial, industrial and trade premises and entertainment venues*, or as amended, to the satisfaction of the Responsible Authority.
13. Prior to the commencement of the use, a Noise Management Plan (NMP) must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must set out practical measures to be taken as part of the day-to-day operation of the Kindergarten to minimise noise impacts. The plan must be generally in accordance with the recommendations of the acoustic report prepared by Audiometric & Acoustic Services (report No. 22096 dated 1st September 2022). The plan must show (but not be limited to):
 - a. The Noise Management Plan must be made available to parents, neighbours and Swan Hill Rural City Council.
 - b. A separate daily program for both the warmer and cooler months to be established to regulate the total time spent outdoors and indoors.
 - c. A contact number for the Kindergarten Director/Manager should be made available to neighbours to facilitate communication and to resolve any neighbourhood issues that may arise due to the operation of the Kindergarten.
 - d. A complaint register must be implemented by the Kindergarten. Any complaints received shall be logged with details of the nature of the complaint, time of the event and contact details of the complainant. The Kindergarten should review the complaint and advise the complainant of what, if any actions have been undertaken as a result within 48 hours.
 - e. The number of children playing outside at any one time is limited in accordance with the requirements of Planning Permit PLN2022083 issued by Swan Hill Rural City Council.
 - f. The Kindergarten should use passive programmed outdoor activities for the children. Examples include painting, garden exploration, reading, block play or drawing in certain area of the Kindergarten outdoor area.
 - g. Crying children should be taken inside the Kindergarten building/s and comforted.
 - h. The behaviour of children must be monitored and modified as required by adequately trained Kindergarten staff/workers.
 - i. Parents and guardians should be informed of the importance of noise minimisation when entering the site, dropping off or picking up children.
 - j. Kindergarten staff/workers should be educated to control the level of their voice while outside.
 - k. Amplified music must be controlled to ensure compliance with the relevant noise criteria legislation.

The Noise Management Plan may be amended with the prior written consent of the Responsible Authority.

14. The Noise Management Plan approved by this permit must be implemented and complied with to the satisfaction of the Responsible Authority.
15. Noise compliance testing must be undertaken by a suitably qualified acoustic engineer no later than three (3) months after the opening of the Kindergarten. Measurements must be taken throughout the opening hours of the Kindergarten for one day and must include busy outdoor play times, at locations representative of the most exposed residential receivers. The acoustic results must be submitted to the Responsible Authority within 14 days after testing and any recommendations and/or noise mitigation measures resulting from the noise compliance testing must be implemented by the Kindergarten within 60 days of the submission of the acoustic results to the Responsible Authority.

Operation Management Plan

16. Prior to the commencement of the use, an Operational Management Plan must be submitted to and approved by the Responsible Authority. When approved, the Operational Management Plan will be endorsed and form part of the permit. The Plan must show (but not be limited to):
 - a. Details confirming the operational hours of the Kindergarten.
 - b. Kindergarten program schedules.
 - c. Outdoor play times for the Kindergarten children restrictions.
 - d. A playtime program with specific reference to management measures during the use of outdoor play areas.
 - e. Supervision and control mechanisms to ensure that noise generated during the outdoor play times is in accordance with *VIC EPA Publication 1826.4 – Noise limit and assessment protocol for the control of noise from commercial, industrial and trade premises and entertainment venues*.
 - f. Access control measures for the Kindergarten with consideration for the existing childcare centre on the land. This must include vehicular and pedestrian movements.
 - g. Delivery loading/unloading times and location/s.
 - h. Waste collection.

The Operational Management Plan may be amended with the prior written consent of the Responsible Authority.

Waste Management Plan

17. Prior to the commencement of the use, a Waste Management Plan must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The Waste Management Plan must show (but not be limited to):
 - a. How waste generated by the proposed centre will be stored and collected.
 - b. The location of on-site waste bin storage areas screened from public view.

SECTION B - REPORTS

21 February 2023

c. The location of on-street waste bin collection points.

18. Once approved the Waste Management Plan must be implemented and complied with, to the satisfaction of the responsible authority.

Drainage

19. Prior to the commencement of works, a drainage plan is to be submitted to and approved by the Responsible Authority. The drainage plan is to include computations for a 1% AEP event and is to be prepared by a suitably qualified person to the satisfaction of the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimension and must be in accordance with Council's Infrastructure Design Manual. That stormwater should be retained on site and only discharged at a reduced rate.

20. Prior to the commencement of the use, all drainage works required by the approved drainage plan must be completed to the satisfaction of the Responsible Authority.

Access and car parking

21. Prior to the commencement of the use, vehicle crossings must be constructed in accordance with the endorsed plans to the satisfaction of the Responsible Authority, and must:

- a. Be constructed at right angles to the road.
- b. 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.

22. The footpath and naturestrip are to be reinstated to the satisfaction of the Responsible Authority and are not to be used for staff parking.

23. Prior to the commencement of the use, no fewer than 11 additional car parking spaces (23 car parking spaces in total) as shown on the endorsed plan must be provided and constructed on the land for the use and development to the satisfaction of the Responsible Authority.

24. Prior to the commencement of the use, areas set aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:

- a. Constructed.
- b. Properly formed to such levels that they can be used in accordance with the plans.
- c. Surfaced with an all-weather sealcoat.
- d. Drained.
- e. Line marked to show the direction of traffic along access lanes and driveways.

All to the satisfaction of the Responsible Authority.

25. Drop off and pick up of children must only be from the car parking area within the land at 24 Yana Street, Swan Hill.

26. Car spaces, access lane and driveways shown on the endorsed plans must

SECTION B - REPORTS

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not be used for any other purpose, to the satisfaction of the Responsible Authority.

27. All vehicles must enter and exit the site in a forward direction to the satisfaction of the Responsible Authority.

Lower Murray Water

28. 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 commencement of the construction of the proposed development.

Expiry

29. This permit will expire if one of the following circumstances applies:
- a. The development is not commenced within two (2) years of the date of this permit.
 - b. The development is not completed within four (4) years of the date of this permit.
 - c. The use is not commenced within two (2) years of the completion of the development.

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

Notes

From the Responsible Authority

- a. All building works associated with this development must be in accordance with the Building Act 1993, Building Regulations 2018 and the Building Code of Australia.
- b. A building permit will be required for the building work associated with this development, including demolition of existing buildings, prior to commencement of works.
- c. A works within the road reserve permit will be required from Council prior to commencement of any works within the road reserve area (crossovers).

Prior to undertaking any construction works on the kitchen, approval must be obtained from Council's Public Health Unit. A copy of a detailed plan of the layout of the premises which adequately shows compliance with the *Food Safety Standard 3.2.3 Food Premises and Equipment* must be submitted to the satisfaction of Council's Environmental Health Department.

2. **An audit of the planning permit for the existing Child Care Centre be conducted within three months and any outstanding or non-compliant matters be enforced.**

SECONDED Cr Young

The Motion was put and CARRIED

PLANNING DRAWINGS SET	
SHEET NO.	DWG TITLE
01	COVER SHEET
02	EXISTING SITE PLAN
03	PROPOSED SITE PLAN
04	SITE ENLARGEMENT
05	FLOOR PLAN
06	ELEVATIONS NORTH & SOUTH
07	ELEVATIONS EAST & WEST
08	PERSPECTIVE VIEWS

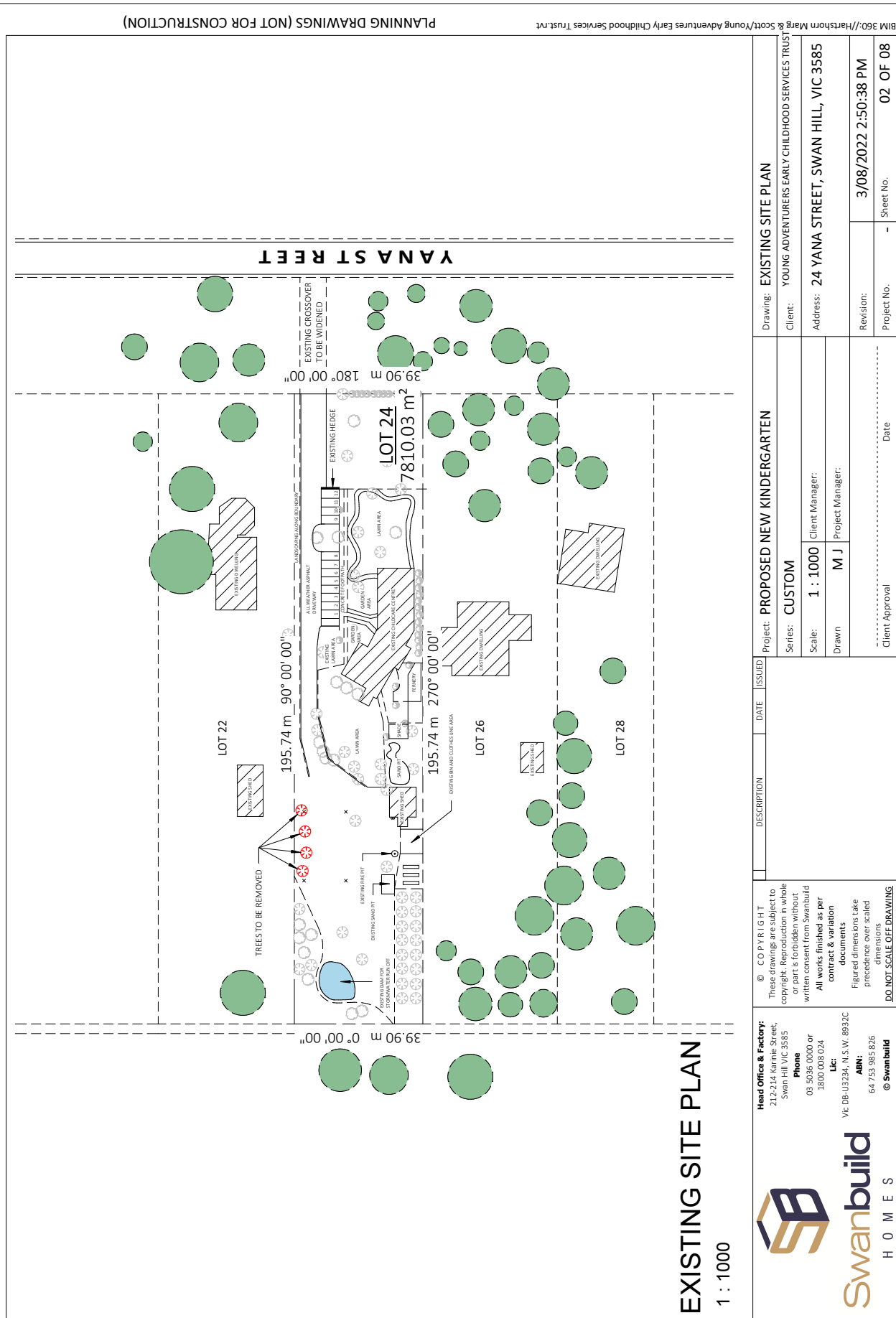


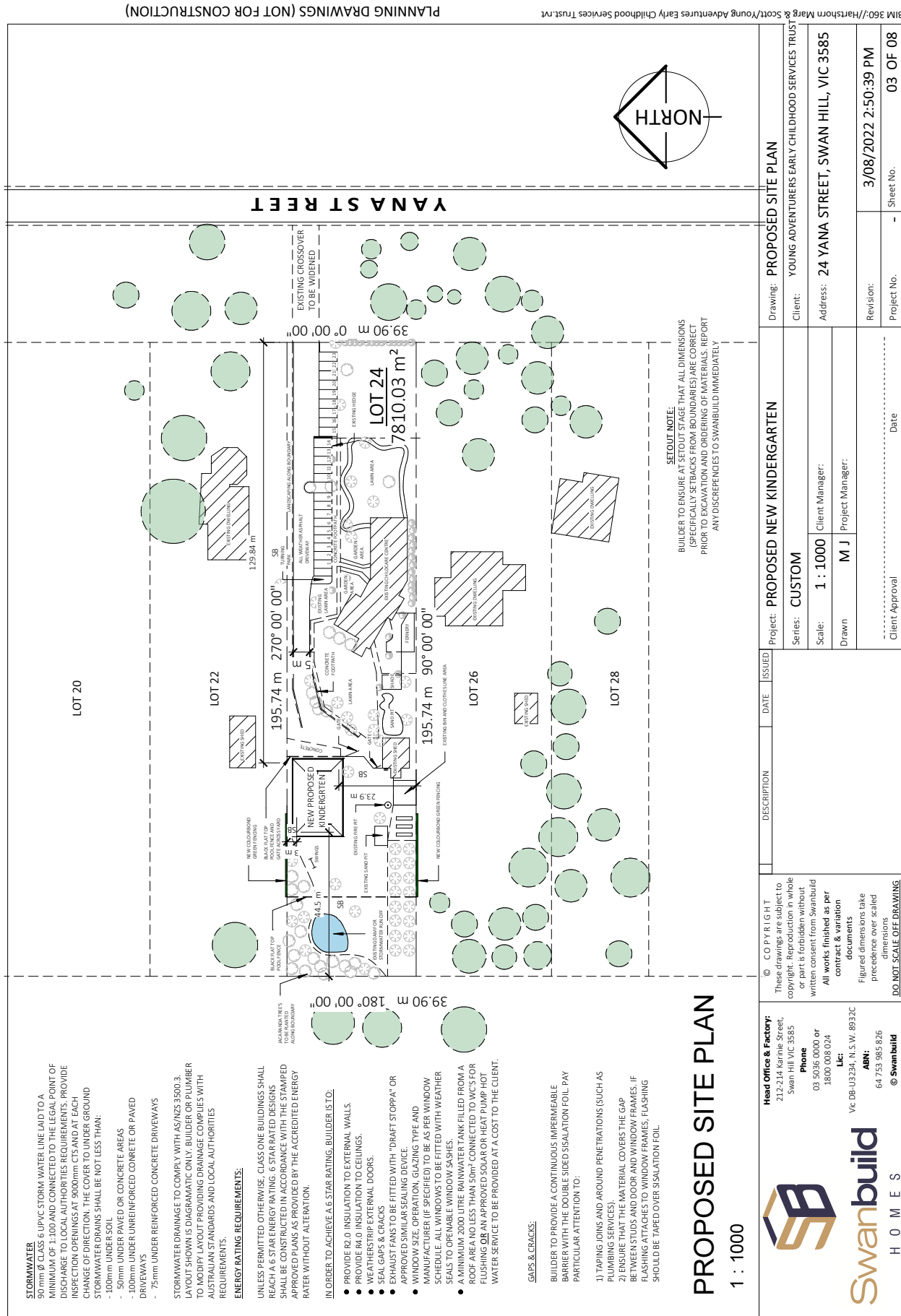
Project Title PROPOSED NEW KINDERGARTEN		Revision	Current Revision:
		DESCRIPTION	DATE ISSUED
Client	YOUNG ADVENTURERS EARLY CHILDHOOD SERVICES TRUST		
Address	24 YANA STREET, SWAN HILL, VIC 3585	Project No.	-
Client Approval	CUSTOM		

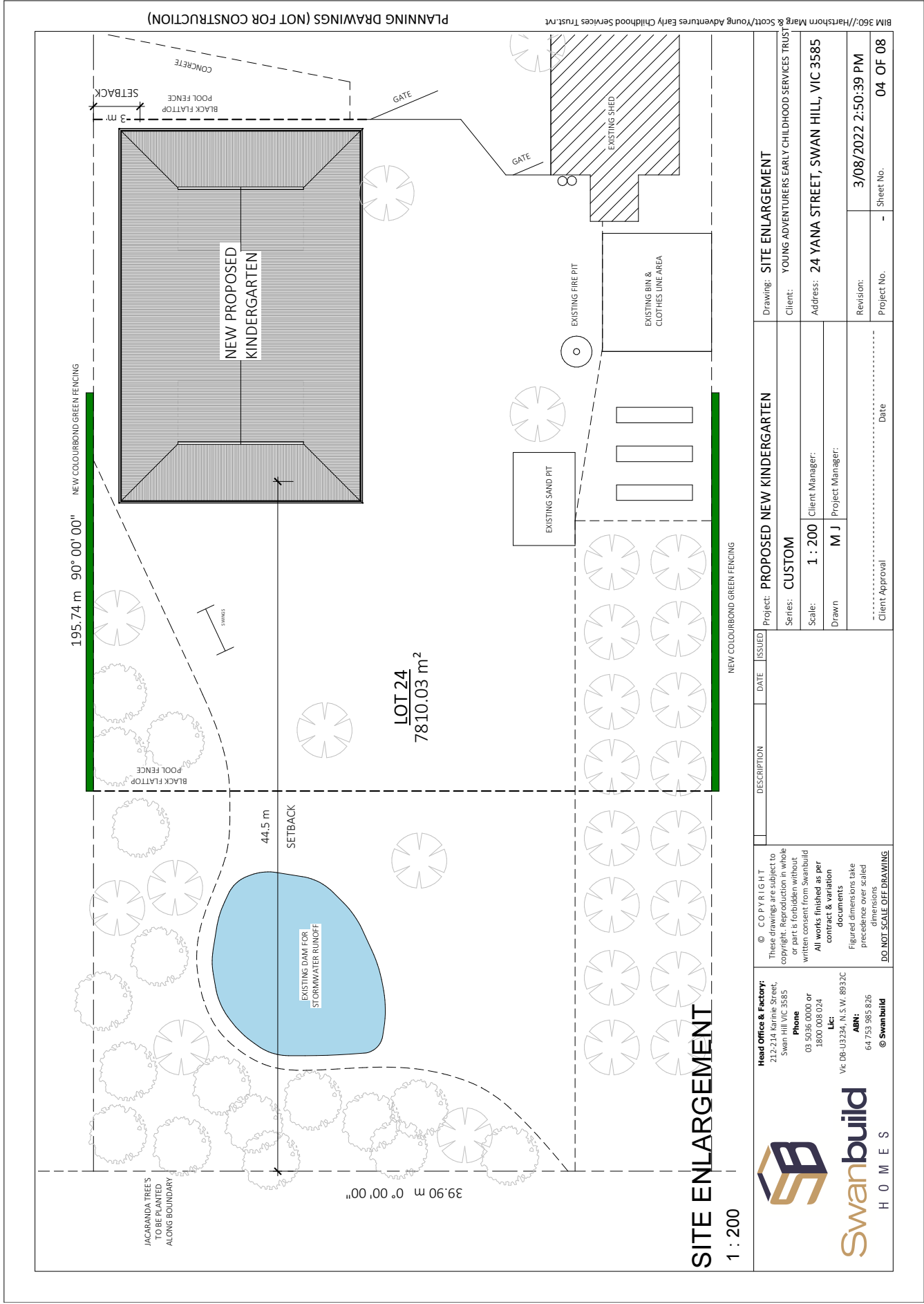


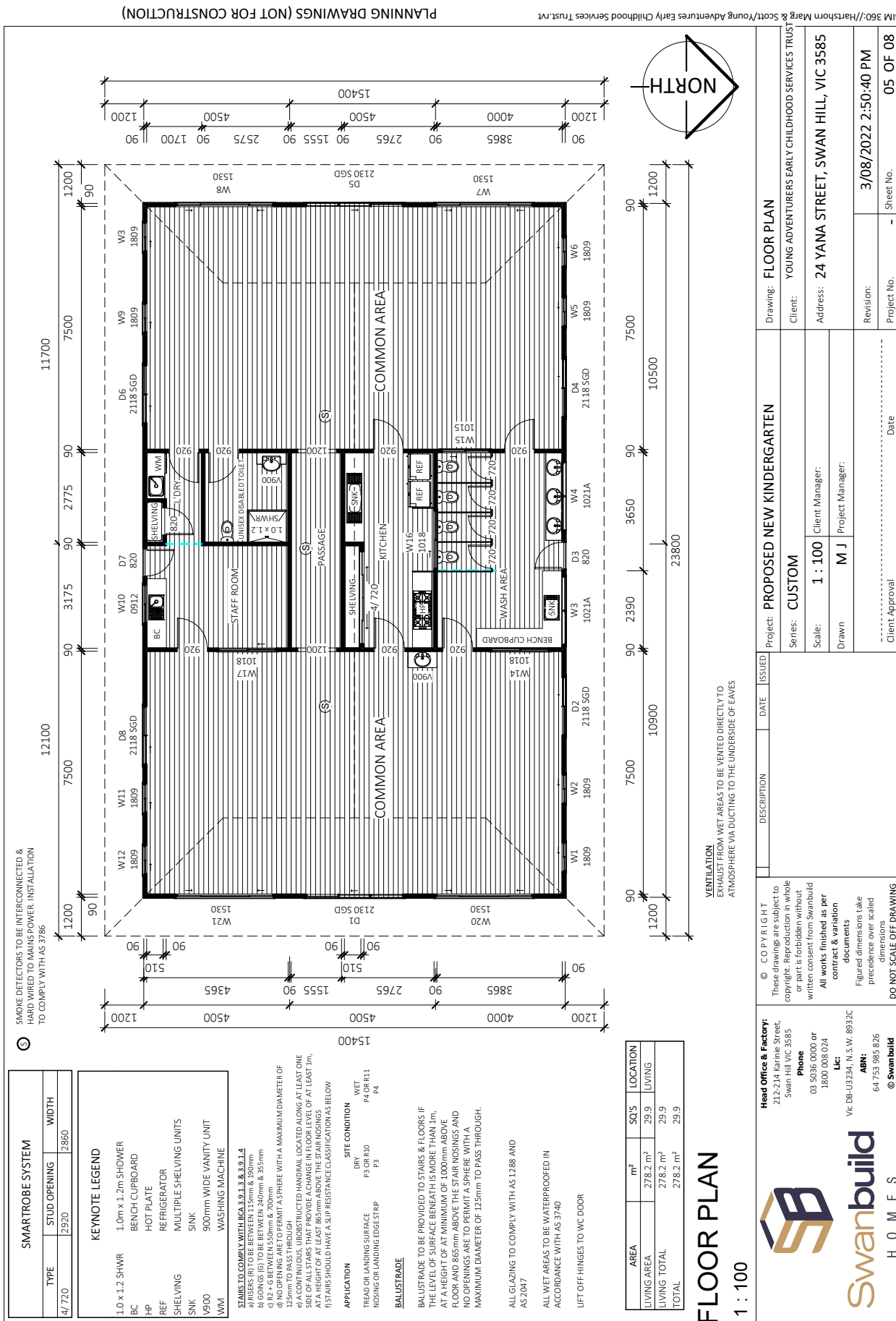
Swanbuild
HOMES

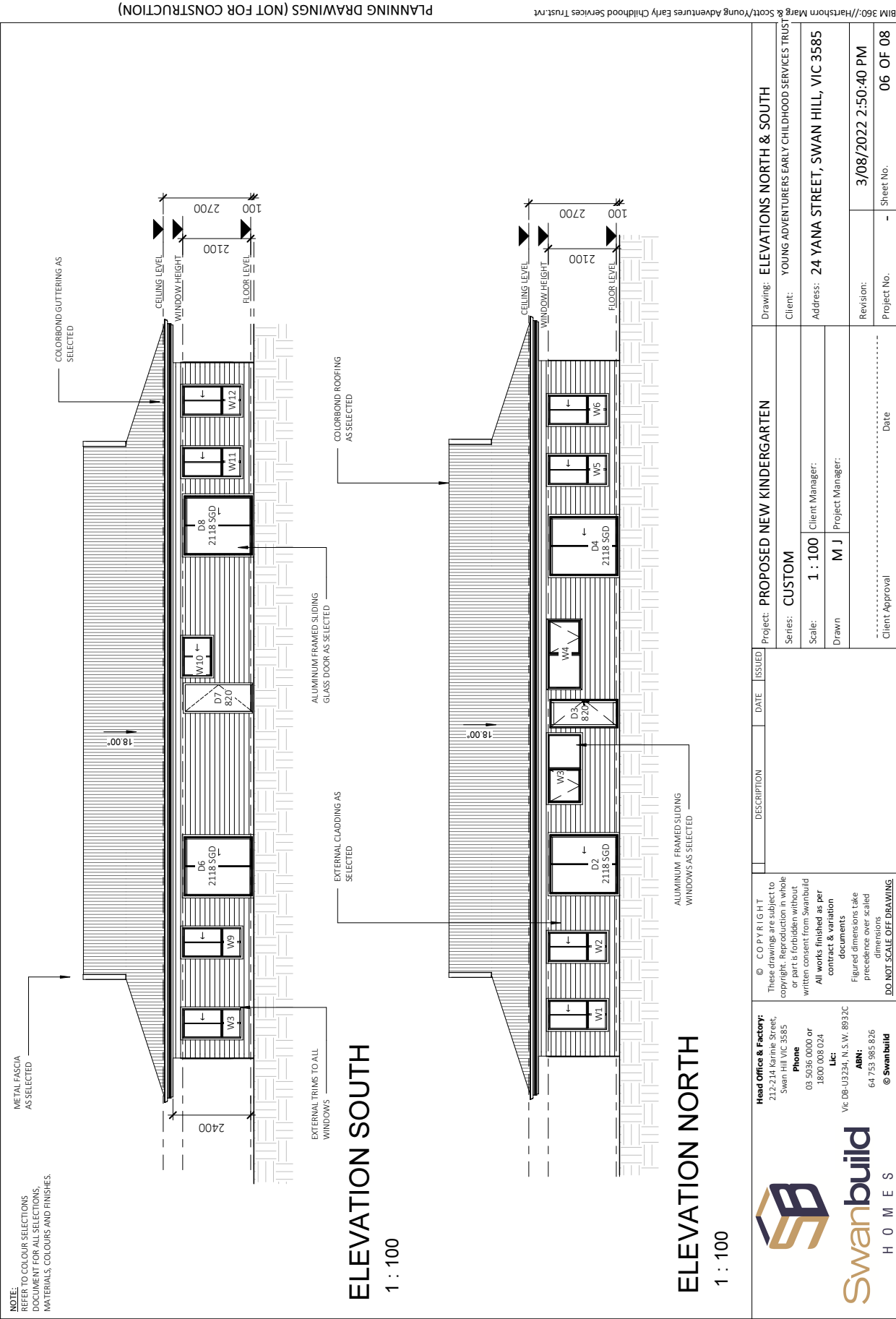
Head Office & Factory: 212-214 Karinie Street, Swan Hill VIC 3585
Phone 03 5036 0000 or 1800 008 024





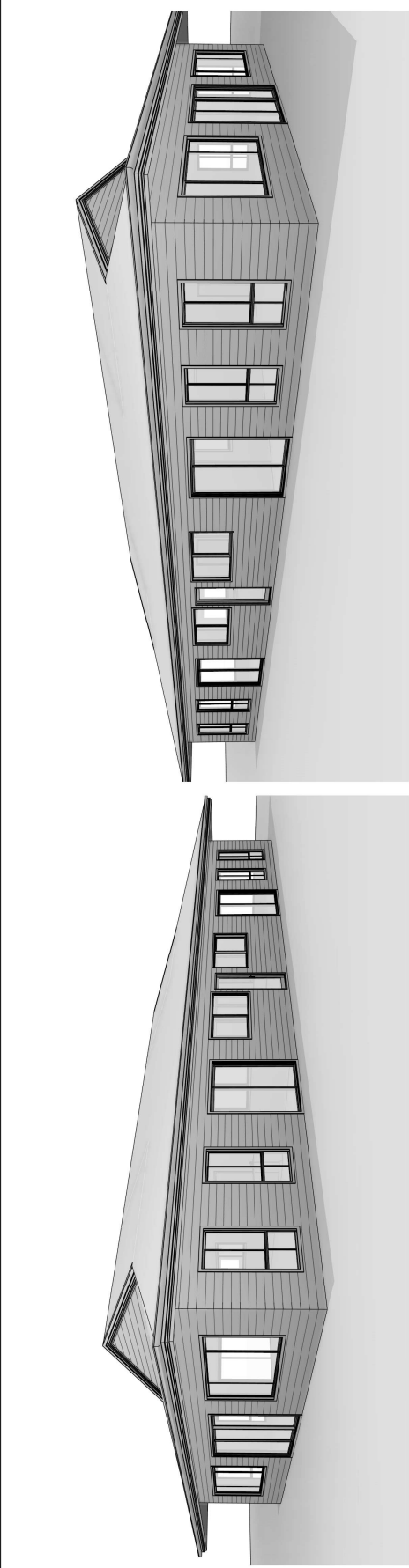




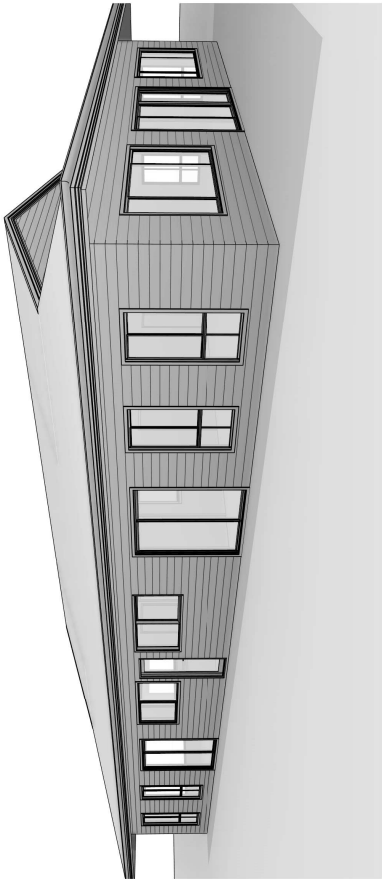


PLANNING DRAWINGS (NOT FOR CONSTRUCTION)

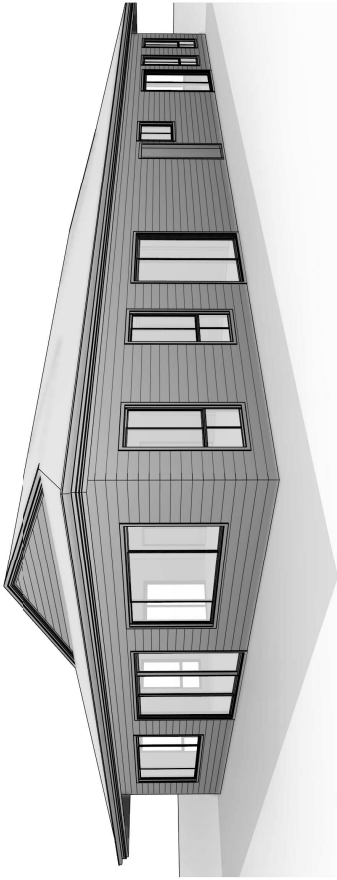
BIM 360://Hartshorn Marg & Scott/Young Adventurers Early Childhood Services Trust.rvt



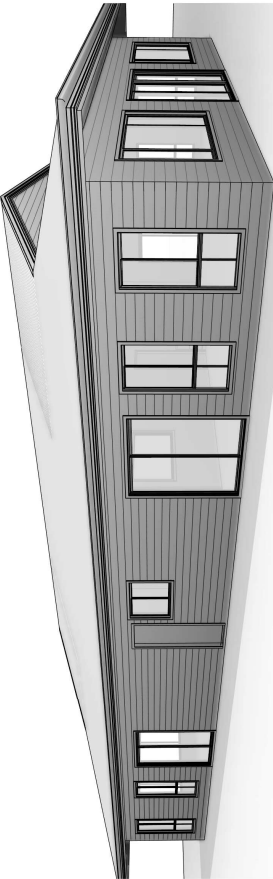
3D VIEW 1




3D VIEW 2



3D VIEW 3



3D VIEW 4

<div><div>Swanbuild</div><div>H O M E S</div></div> <div>Head Office & Factory: 212-214 Karine Street, Swan Hill VIC 3585 Phone 03 5036 0000 or 1800 008 024 Lic: Vic DB-U3234, N.S.W. 8932C ABN: 64 753 985 826 © Swanbuild</div> <div>© C O P Y R I G H T These drawings are subject to copyright. Reproduction in whole or part is forbidden without written consent from Swanbuild All works finished as per contract & variation documents Figured dimensions take precedence over scaled dimensions DO NOT SCALE OFF DRAWING</div>	DESCRIPTION	DATE	ISSUED	
	Project: PROPOSED NEW KINDERGARTEN			
	Series: CUSTOM			
	Scale:	Client Manager:	M J	
	Drawn	Project Manager:		
	Client Approval			
	Date			
	Revision:			
	Project No.		Sheet No.	
			08 OF 08	

Navy Blue Planning

Urban and Regional Planning Specialists

24 YANA STREET, SWAN HILL

Planning Application Report

Prepared by: Tom Harrington, Director

| version 2.0 | Date: 15 August 2022



VERSION HISTORY

Prepared for:	Young Adventurers Early Childhood Education Services
Prepared by:	Navy Blue Planning Pty Ltd
Contact	admin@navyblueplanning.com.au
Version No:	2.0
Date:	15 August 2022

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Planning Application Report

8 Summary 18

1 INTRODUCTION

Navy Blue Planning on behalf of our clients Young Adventurers Early Childhood Education Services (Young Adventurers) provide this report in support of a planning application for the use and development of a Kindergarten at 24 Yana Street, Swan Hill.

The proposal would provide for a 40-place kindergarten. A new building will be constructed towards the rear of the site, comprising two kinder rooms separated by central shared amenities, kitchen and staff room facilities. The existing 40-place childcare centre will be retained on the front of the site.

A pre-application meeting was held with Council where the permit requirements and information requirements were confirmed.

This planning report provides:

- A description of the proposal.
- The background and need for the proposal.
- A review and description of the relevant planning requirements.
- A description of the existing site conditions and surrounding context.
- An assessment of the proposal against the requirements of the Swan Hill Planning Scheme.

This report should be read in conjunction with:

- Application form
- Copy of Title
- Plans prepared by Swan Build Homes
- Traffic Engineering Report prepared by Traffix Group
- Stormwater Management Plan prepared by 4Site Design Group
- Landscape Plan prepared by The Garden Planners
- Acoustic Report – *we are currently awaiting the final acoustic report and will forward to Council upon completion.*

This report concludes that the proposal meets a critical local community need and provides a satisfactory response to the requirements of the Swan Hill Planning Scheme. We submit that the application is appropriate for consideration by Council.

2 BACKGROUND

2.1 About Young Adventurers

Young Adventurers has provided kindergarten and childcare programs from Swan Hill since 2015 at two sites – Yana Street and Chapman Street. Young Adventurers has been running a Victorian State Government Funded Kindergarten program for four-year old children at the Yana Street site since 2015. Consistent with many centres across Victoria, the Yana Street facility provides a kindergarten program within its childcare facility.

2.2 Community needs

Childcare and Kindergarten services are critical to the social and economic fabric of local communities. Within Swan Hill, responsibility for the provision of early childhood services is shared between Council and private operators.

Whilst Young Adventurers provide early childhood education services, these services also serve a broader community benefit:

- Employment to 45 staff across the two centres who vary in qualifications and skill level from Degree qualified teachers to Room Leaders, Childcare Assistants, Cooks, Cleaners and Admin staff.
- Work experience/placement for students from Universities, Tafe and Secondary schools both locally and across Victoria.
- Placement of children living in Out of Home Care through Department of Families, Fairness & Housing Child Protection orders ensuring that these children are engaged in education and care programs to maximise their safety and well-being.
- Relationship with various Family service agencies including Mallee District Aboriginal Services and Mallee Family Care to support vulnerable children and families including Aboriginal children and children with disabilities.
- The opportunity for parents to work whilst children are cared for. It is important to note that within Swan Hill, families where parents have been unable to return to work due to a lack of childcare options extend maternity/paternity leave timeframes with their employers or have to resign. This has impacts families, employers and the local economy with families forced to remain on one income for extended periods of time and essential workers being unable to work.

Young Adventurers provide these services essential to the local community

2.3 Emerging trends and demands

Since the opening of the Yana Street facility in 2015, a number of trends and demands have emerged:

- Occupancy for the Yana Street and Chapman Street facilities is constantly at 100%.
- The Yana Street centre remains fully booked for 2023 with a waiting list of approximately 140 children. There is no capacity within the existing building to offer additional places (the Chapman Street centre is also at 100% capacity).
- Most families are waiting up to 2 years to get a childcare place and may not get all of the days that they require.
- Many families on the current waiting list have been waiting since 2020.
- The Department of Education is encouraging the offer a three-year-old Kinder program as part of its “Best Start Best Life” policy. At present, there is no capacity to add the three-year-old program.
- Yana Street is experiencing an increase in kinder children with physical limitations who require more space to move around. The existing building at Yana Street has space constraints.

- Many kinder children are not yet toilet trained (particularly younger children). There is no nappy change area in the current kinder room.

The present situation is unsustainable. There is a critical need for additional early childhood services within Swan Hill.

2.4 Addressing community needs

Young Adventurers is ideally positioned to address an urgent community need for more kindergarten places within Swan Hill. This is because Young Adventurers:

- Is an existing provider of early childhood services.
- Owns an existing premises within Swan Hill.
- Has a waitlist well in-excess of current capacity.
- Has a strong understanding of local community needs and relationships with many current parents.

This requires the consideration of existing facilities and spatial requirements, including the Yana Street site.

Following review of the operational and spatial requirements of the centre, and the opportunities and constraints posed by the site, it has been determined that the best outcome would be to add an additional building towards the rear of the exiting Yana Street site. The preferred option was identified as it:

- Increases capacity of the Yana Street site to assist in addressing current and future community needs.
- Provides the opportunity to add a three-year-old kindergarten program, in line with current Government policy.
- Provides separation between 3-year-old and 4-year-old rooms.
- Enables the existing centre to continue to operate whilst construction takes place (there is no spare capacity to relocate children within Swan Hill).
- Enables the colocation of childcare and kindergarten services within a single site, in proximity to other nearby social infrastructure and education facilities.
- Provides increased separation to neighbouring dwellings to the north and south (compared with an extension to the existing building). This reduces the potential for adverse amenity impacts on neighbouring land,
- Enables increases in onsite parking and improvements to the landscaping and fencing to the rear of the site

A description of the proposal is provided below.

3 THE PROPOSAL

It is proposed to construct a new 40 place kindergarten on the land at 24 Yana Street, Swan Hill. A summary of the proposal is provided below:

- **Land Use** – The proposal would provide for a new 40 place kindergarten on the existing childcare site.
- **Buildings** – A new building will be constructed towards the rear of the site, comprising two kinder rooms separated by central shared amenities, kitchen and staff room facilities. The existing 40-place childcare centre will be retained on the front of the site.
- **Car parking** – There are 12 existing car spaces including one disabled space on the site, and it is proposed to increase the car parking to 23 spaces (11 new spaces). Access to all spaces will be provided by the existing crossover to Yana Street.
- **Access** – Access will be via the existing driveway. The existing crossover will be widened slightly.
- **Stormwater Management** – Stormwater will be managed in accordance with the proposed Stormwater Management Plan.
- **Vegetation and Landscape** – Landscaping on the site will be improved in accordance with the proposed Landscape Plan.

Plans depicting the proposal are attached.

3.1 Summary of planning permit requirements

An existing, approved childcare centre is present on site. It is proposed to add a Kindergarten in a separate building to the rear of the site. A planning permit is required for the use and development of land for a kindergarten as the use is not listed within the Table of uses at Clause 32.03-1

4 EXISTING CONDITIONS

4.1 The Subject Land

The subject land is located at 24 Yana Street, Swan Hill. The subject land is a large regular lot located on the west side of Yana Street at the South-western periphery of the Swan Hill township. The land has a frontage of 40m and an area of 7,810 m². The land is within a small group of seven lots on the west side of Yana Street located within the Low Density Residential Zone.

The site is currently occupied by a 40-place childcare centre developed in accordance with Permit 2014/24. A total of 12 car spaces are currently provided on the site for the existing use. Access to the site is provided via a crossover to Yana Street located along the site's northern boundary. Please refer Figure's 1-3 below and overleaf.



Figure 1 – Aerial photo of site.



Figure 2 – Street view image of the site

Planning Zones

LOW DENSITY RESIDENTIAL ZONE (LDRZ)

SCHEDULE TO THE LOW DENSITY RESIDENTIAL ZONE (LDRZ)

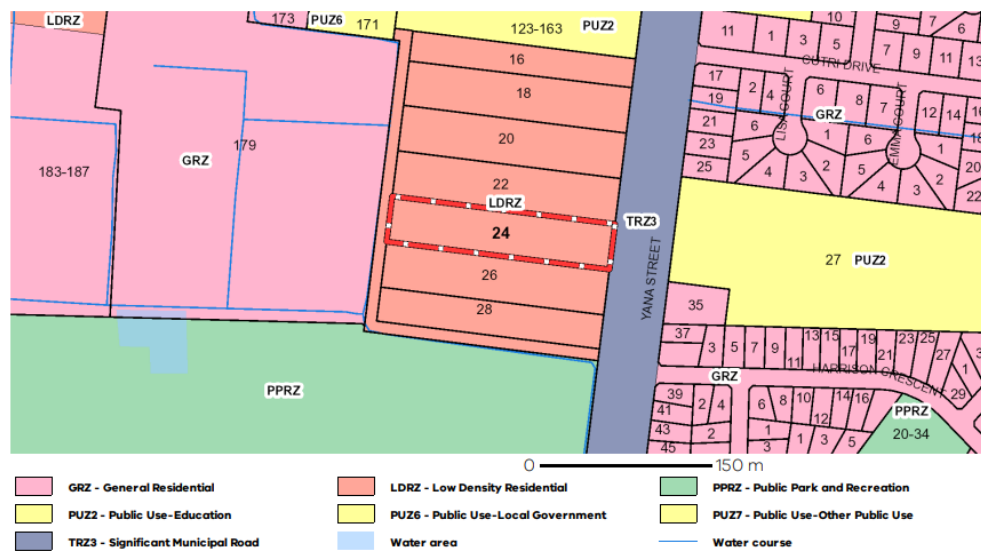


Figure 3 – Zoning map of the site

4.2 Surrounding land

Land surrounding the site may be described as follows:

North	Land to the north at No.22 Yana Street is used for residential purposes. A dwelling is located towards the front of the site. Sheds are located towards the rear of the site.
East	Land to the east beyond Yana Street is occupied by the Swan Hill Specialist School.
South	Land to the south at No.26 Yana Street is used for residential purposes. A dwelling is located towards the centre of the site.
West	Land to the west is used as farmland. The land is zoned General Residential and can be expected to be developed for residential purposes in future.

4.3 Regional Context

The subject land is located approximately 2km to the south-west of the Swan Hill Town Centre.

The subject land has proximity to the following infrastructure:

- Swan Hill Specialist School (opposite the site)
- Swan Hill Primary School (150m to the north)
- Ken Harrison Reserve & Sporting Complex (80m to the south)
- Jaycee Reserve (300m to the south-east)

Bus services are available on Yana Street with a service operating from 8:00am to 6:00pm Monday to Friday and 8:00am to 12:30pm on Saturday.

5 EXISTING APPROVALS

Permit application 2014/24 was granted and directed to be issued for the land at 24 Yana Street, Swan Hill. The permit allowed the development and use of the land for the purpose of a childcare centre and associated works in accordance with the endorsed plans and subject to the conditions.

Subsequently an application to review the decision of Council was made to the tribunal by objectors. In her decision, Member

- *The establishment of a childcare centre on the subject land is supported by its planning and physical context.*
- *Amenity issues associated with the use of the land, in particular, noise, neighbourhood character and visual impacts, are capable of satisfactory management, and*
- *The provision of car parking is satisfactory and traffic management and safety considerations do not raise undue concern.*

An earlier VCAT hearing concluded that:

- *The land should not be regarded as being unsuited for use as a childcare centre solely on the basis that the land falls within a Low Density Residential Zone.*
- *The land may reasonably be regarded as suitable for a childcare centre having regard to the planning policy and locational context.*
- *There was insufficient evidence to justify putting aside reservations about the impact of a childcare centre on the land in respect of neighbourhood character and direct amenity effects.*
- *The proposal to provide car parking in excess of the requirement under clause 52.06 of the planning scheme resolves any car parking relating issues in respect of the application.*
- *Traffic generation associated with the proposed childcare centre was unlikely to exceed the carrying capacity of Yana Street and the surrounding road network.*
- *Drivers moving to and from the land would have to exercise care in respect of the safety of pedestrians and cyclists within Yana Street1 but that there was no evidence to support a conclusion that this was inherently unsatisfactory.*
- *There was insufficient evidence to make conclusive findings in respect of need.*

In the second permit application of the permit applicant, sought to remedy the deficiencies in information in respect of the impacts of the proposed use, including an acoustic impact report and a detailed landscape plan.

6 PLANNING FRAMEWORK

6.1 Zones & Overlays

The site is located within Swan Hill Rural City Council. The Swan Hill Planning Scheme is the relevant planning instrument. The key planning provisions which influence planning decisions on the site include:

Zone	Description
Low Density Residential Zone (LDRZ)	<p>The subject land is wholly contained within the Low Density Residential Zone. The purpose of the zone includes:</p> <ul style="list-style-type: none"> To implement the Municipal Planning Strategy and the Planning Policy Framework. To provide for low-density residential development on lots which, in the absence of reticulated sewerage, can treat and retain all wastewater.
Overlays	Description
Specific Controls Overlay – Schedule 1 (SCO1)	<p>The Specific Controls Overlay applies to the site and surrounds. The Overlay triggers the consideration of the Goulburn-Murray Water: Connections Project and Water Efficiency Project Incorporated Document, November 2021</p>

6.2 Relevant planning policy and strategy

There are relevant policies and strategies contained within the Swan Hill Planning Scheme to guide the development of the proposal.

6.2.1 Municipal Planning Strategy

The vision and strategic directions guiding the future settlement and development of Swan Hill are set out at Clause 2.03 and 2.04 of the Swan Hill planning Scheme. Key strategic directions include:

“Swan Hill is the largest town in the municipality (about 10,000 people) and has a regional service role that extends beyond the municipal and state borders. Most population growth is expected at Swan Hill, which, with the exception of low-lying areas to the south of the urban area, has no infrastructure constraints for the future development of the town.”

“Settlement planning for Swan Hill Rural City will:

- *Locate the majority of population growth within Swan Hill and Robinvale.*
- *Maintain Swan Hill and Robinvale as regional service centres that other towns rely on.*
- *Facilitate residential growth in smaller towns.*
- *Co-ordinate residential growth so that infrastructure is provided equitably between the developer and the community.*
- *Provide rural residential development within planned estates.*
- *Limit further subdivision and dwellings for residential purposes within farming areas.”*

The subject land is included within the South West Development Precinct within the Swan Hill Framework Plan at Clause 2.04. The Swan Hill Framework Plan provides for the long-term development of Swan Hill. The

location of the subject land to the south-west of Swan Hill is identified as a future urban area for longer term urban development.

6.2.2 Planning Policy Framework

Clause 19.02 Education facilities includes an objective:

- *“To assist the integration of education and early childhood facilities with local and regional communities.”*

Relevant strategies include:

- *Consider demographic trends, existing and future demand requirements and the integration of facilities into communities in planning for the location of education and early childhood facilities.*
- *Locate childcare, kindergarten and primary school facilities to maximise access by public transport and safe walking and cycling routes.*
- *Ensure childcare, kindergarten and primary school and secondary school facilities provide safe vehicular drop-off zones.*
- *Ensure streets and accessways adjoining education and early childhood facilities are designed to encourage safe bicycle and pedestrian access.*
- *Consider the existing and future transport network and transport connectivity.*

An assessment is provided overleaf.

7 PLANNING ASSESSMENT

7.1 Consistency with Zones and Overlays

7.1.1 Low Density Residential Zone

The proposed use is consistent with the existing use on the land and is permissible under the zone. There is strategic merit in collocating the existing childcare and proposed kindergarten uses on the same site.

The property is connected to sewer while stormwater can be treated on-site.

The proposed development is broadly consistent with the purpose and objectives of the Low Density Residential Zone. The proposal provides for the discreet development of the rear of the site through the construction of a small, separate, single storey addition. The citing of the proposed separate building to the rear of the property is to retain the existing low-density development pattern. The proposed location also:

- Eliminates any potential for visual impact from the street.
- Provides greater separation from dwellings on adjacent land (compared with the existing child-care facility at the front of the site).
- Retains much of the existing settling and landscaping intact, while providing opportunities for further landscape planting and improvement to fence treatments

Each of these measures mitigates the potential for adverse impact on surrounding land.

7.1.2 Specific Controls Overlay

The Specific Controls Overlay (SCO1) was applied to ensure that land is used or developed in accordance with a specific control contained in the incorporated document - *Goulburn-Murray Water: Connections Project and Water Efficiency Project Incorporated Document, November 2021*. The proposal utilises an existing site with complimentary land use and is supported by relevant attached technical studies and plans. The proposal is consistent with the requirements of the Overlay and Incorporated Document.

7.2 Consistency with the planning policy & strategy

7.2.1 Settlement & Growth

The site sits within a broader development area in Swan Hill's south-west. Planning policy indicates that this area will be further developed over time. This includes land immediately west of the site which will be developed for housing, whilst further expansion of the specialist school to the east is also imminent. The proposed use will assist in servicing this growing community, consistent with the settlement directions identified at Clause 2.03 and 2.04 of the Swan Hill Planning Scheme.

7.2.2 Education facilities

The proposal will assist in the integration of education and early childhood facilities with local and regional communities, consistent with Clause 19.02. In response to the strategies outlines in 19.02, the proposal:

- Has considered *demographic trends* and can demonstrate a high demand for the proposed use, based on current waiting list and historical use. This is further supported by local population growth.
- Enables integration of the facility within the local into community through the use of an existing site with complementary land use and ownership. The subject land provides a logical location to expand early childhood services, also complementing other education uses within the vicinity of the site.
- Provides an opportunity to expand kindergarten facilities to maximize access by public transport and safe walking and cycling routes.
- Provides safe vehicular drop-off zones, bicycle and pedestrian access and is supported by a specialist Traffic Engineering Assessment.

7.3 Other issues

7.3.1 Community need

There is an urgent and overwhelming community need for more kindergarten facilities within Swan Hill. Young Adventurers is ideally positioned to address this need, given:

- They are an existing provider of early childhood services.
- They own an existing premises within Swan Hill.
- They have a waitlist well in excess of current capacity.
- They have a strong understanding of local community needs and relationships with many current parents who will utilise the facility.

7.3.2 Location

The proposal is to be located on a site already used for a similar use. The site is well located to other education facilities enabling easy drop-off for parents. There is strong familiarity with the use of the site for this purpose.

7.3.3 Design & Siting

There is strategic merit in collocating the existing childcare and proposed kindergarten uses on the same site. The proposed design and siting mitigates the potential for adverse impact on surrounding land through the construction of a small, separate, single storey addition at the rear of the site. The location of the new building provides greater separation from dwellings on adjacent land (compared with the existing child-care facility at the front of the site) and provides opportunities for further landscape planting and improvement to fence treatments. *Refer attached plans.*

7.3.4 Vegetation & Landscape

A Landscape Plan has been prepared by The Garden Planners and accompanies this report. The Landscape Plan provides existing and proposed planting details, materials and finishes for outdoor areas, fencing details. Approximately 4 trees adjacent to the northern boundary fence are required to be removed to enable an upgrade to existing fencing and construction of the new kindergarten building. Tree removal is confined to planted, perimeter landscaping. The removal of this vegetation is exempt from a planning permit. Refer attached *Landscape Plan*.

7.3.5 Stormwater Management

A Stormwater Management Plan (SWMP) was prepared by 4site Design Group and is attached to this report. Stormwater reduction and treatment devices have been proposed in this report to minimise the impact the development has on the external environment.

The SWMP demonstrates the application of suitable Water Sensitive Urban Design (WSUD) principles and illustrates that the proposed development complies with relevant authority requirements including:

- Urban Development Clause 53.18 in the Swan Hill Planning Scheme of the Victorian Planning Provisions (VPP), standards and guidelines for stormwater
- Urban Stormwater Best Practice Environmental Management (BPEM) Guide - CSIRO, 1999.

Refer attached *Stormwater Management Plan*.

7.3.6 Traffic, Parking, Movement, Access

A Traffic and car parking assessment was undertaken by Traffix Group. This report provides a traffic engineering assessment of the proposal with particular attention to car parking and traffic impacts. The report concludes as follows:

- a) *the car parking provision exceeds the statutory car parking requirements and there will not be any adverse off-site parking impacts,*

- b) the proposed car space dimensions are generally in accordance with the relevant requirements of Clause 52.06 of the Planning Scheme and importantly will work well,*
- c) there is no statutory requirement under the provisions of Clause 52.34 to provide any formal bicycle parking on the site,*
- d) the level of traffic generated by the proposed development can be accommodated on the surrounding road network and intersections without any adverse impacts,*
- e) adequate provision is made for waste collection and deliveries, and*
- f) there are no traffic engineering reasons why a planning permit for the proposed kindergarten development at 24 Yana Street, Swan Hill should not be granted.*

Refer attached Traffic Engineering Report.

7.3.7 Acoustic impact

An acoustic assessment has been undertaken. Discussions with the acoustic engineer suggest that the acoustic impact of the proposal is likely to be negligible. A copy of the acoustic assessment report will be provided to Council separately for consideration.

8 SUMMARY

In summary, we submit that:

- The proposal addresses an urgent local community need for more kindergarten facilities.
- The proposal is consistent with the purpose, objectives of the relevant Zone and Overlays and directions for identified within the Municipal Planning Strategy and Planning Policy Framework by providing a land use in high demand in an appropriate location.
- The proposal is appropriately designed, mitigating the potential for any adverse impact on surrounding land.
- The proposal is supported by appropriate and specialist technical advice.

For these reasons, we submit the proposal is suitable for Council's approval.

Navy Blue Planning

Disclaimer

This report dated 15 August 2022 incorporates information and events up to that date only and excludes any information arising, or event occurring, after that date which may affect the validity of Navy Blue Planning's opinion in this report.

Navy Blue Planning prepared this report on the instructions, and for the benefit only, of Young Adventurers Early Childhood Education Services (Instructing Party) for the purpose of supporting a planning permit application required for the land at 24 Yana Street, Swan Hill (Purpose) and not for any other purpose or use. To the extent permitted by applicable law, Navy Blue Planning expressly disclaims all liability, whether direct or indirect, to the Instructing Party which relies or purports to rely on this report for any purpose other than the Purpose, and to any other person which relies or purports to rely on this report for any purpose whatsoever (including the Purpose).

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**24 YANA STREET, SWAN HILL
PROPOSED KINDERGARTEN DEVELOPMENT
STORMWATER MANAGEMENT PLAN**

Date: 10/08/2022

Client: Young Adventurers Early Childhood Education Services

Ref No: 22-207

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24 Yana Street, Swan Hill

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Document History

Version	Date	Description	Prepared By	Approved By
1	05/08/2022	Issued to Client, DRAFT	SB	HM
2	10/08/2022	Revised Report, FINAL	SB	HM



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Glossary of Terms

Australian Height Datum (AHD)	A common national surface level datum approximately corresponding to mean sea level.																
Average Exceedance Probability (AEP)	<p>The chance of a given discharge or level value being exceeded in a given year. A 1% AEP flood event has a 1% chance of occurring in any year (and is equivalent to the 1 in 100-year ARI event).</p> <p>The conversion from ARI to AEP as per IDM manual is shown in the table below:</p> <table> <tr> <th>ARI (years)</th><th>AEP (%) /EY</th></tr> <tr> <td>1</td><td>1EY</td></tr> <tr> <td>2</td><td>50%</td></tr> <tr> <td>5</td><td>20%</td></tr> <tr> <td>10</td><td>10%</td></tr> <tr> <td>20</td><td>5%</td></tr> <tr> <td>50</td><td>2%</td></tr> <tr> <td>100</td><td>1%</td></tr> </table>	ARI (years)	AEP (%) /EY	1	1EY	2	50%	5	20%	10	10%	20	5%	50	2%	100	1%
ARI (years)	AEP (%) /EY																
1	1EY																
2	50%																
5	20%																
10	10%																
20	5%																
50	2%																
100	1%																
Average Recurrence Interval (ARI)	The average or expected value of the period between exceedances of a given rainfall total accumulated over a given duration. E.g. 1% AEP flood is expected to be exceeded once every 100 years on average (taken to be equivalent to 1% AEP). It is implicit in this definition that the periods between exceedances are generally random.																
Catchment	Area draining to a site. It always relates to a location and may include the catchment of tributaries as well as the mainstream.																
Discharge	The rate of flow of water measured in terms of volume over time.																
Runoff	The amount of rainfall that ends up as stream or pipe flow, also known as rainfall excess.																
Water sensitive Urban Design (WSUD)	Water sensitive urban design (WSUD) is an approach to planning and designing urban areas to make use of stormwater and reduce the environmental degradation it may causes to rivers and creeks.																

Introduction

4Site Engineers have been engaged to develop a Storm Water Management Plan (SWMP) for the proposed Kindergarten Development at 24 Yana Street, Swan Hill. The development proposal includes an existing house of 415 m² to remain as a Childcare Centre and additional new building (approx. 367 m²) will be constructed for a Kindergarten. There will be an upgraded sealed driveway and sealed parking area of approx. 1336.67 m². For the detailed information of the development, reference should be made to the Site Plan prepared by Swanbuild Homes.

To assist Council in their assessment of the proposed development, in line with the current Stormwater Management in Urban Development Clause in relation to stormwater runoff quantity and quality, the following stormwater drainage strategy was developed.

The SWMP demonstrates the application of suitable Water Sensitive Urban Design (WSUD) principles and illustrates that the proposed development complies with relevant authority requirements including:

- Urban Development Clause 53.18 in the Swan Hill Planning Scheme of the Victorian Planning Provisions (VPP), standards and guidelines for stormwater
- Urban Stormwater Best Practice Environmental Management (BPEM) Guide - CSIRO, 1999

The objectives outlined in these guides can be met by incorporating Water Sensitive Urban Design (WSUD) elements as part of the drainage system. WSUD is a sustainable urban water management approach to minimise environmental degradation and maximise retention and re-use of stormwater. It combines sustainable water initiatives while at the same time protecting and enhancing urban stormwater networks. The main objectives of WSUD are water sustainability and environment protection.

Purpose and Scope

The purpose of this SWMP is to evaluate the quantity and quality of stormwater associated with this development and to incorporate appropriate stormwater management strategies to comply with the relevant authority requirements.

Purpose

This SWMP addresses the following items allied with the development:

- Stormwater Quantity : Stormwater runoff volumes and detention
- Stormwater Quality : Stormwater quality treatment measures
- Maintenance of water quality treatment devices

Scope

Key requirements for the proposed development include the following:

- Stormwater discharging from the site to have acceptable water quality.
- Reasonable and practical measures must be implemented to avoid inappropriate use of waterways.
- Reasonable and practical measures must be implemented to protect the surrounding environment and public.
- Ensure that the development does not have adverse effect on water quality during construction, maintenance and operation of the development.

Property Details

Existing Site Details

Address : 24 Yana Street, Swan Hill
 Land Parcel : Lot 5 (LP 132556)
 Zoning : Low Density Residential (LDRZ)

The site is bounded by Yana Street to the East, property no. 25 to the South, property no. 22 to the North and future development area to the West. The total development site area is 7810 m² and is owned by Young Adventurers Early Childhood Services Trust. The property consists of existing child care centre, sealed pavements and carpark and existing dam. The site comprises of:

- Pre-development Pervious Area : 6347.76 m²
- Pre-development Impervious Area : 1462.27 m²



Figure 1 Site Locality Plan

Property Overlay

The property is located within Swan Hill Rural City Council and is zoned as Low Density Residential as shown in figure 2.1. The property is subject to a Special Controls Overlay as depicted in figure 2.2. The flood report obtained from NMCCA indicates that the property is protected by FLOOD PROTECTION LEVEE from the flood events up to and including the 1% AEP (with freeboard) which is owned and maintained by the local Council. Refer Appendix A for Flood map.

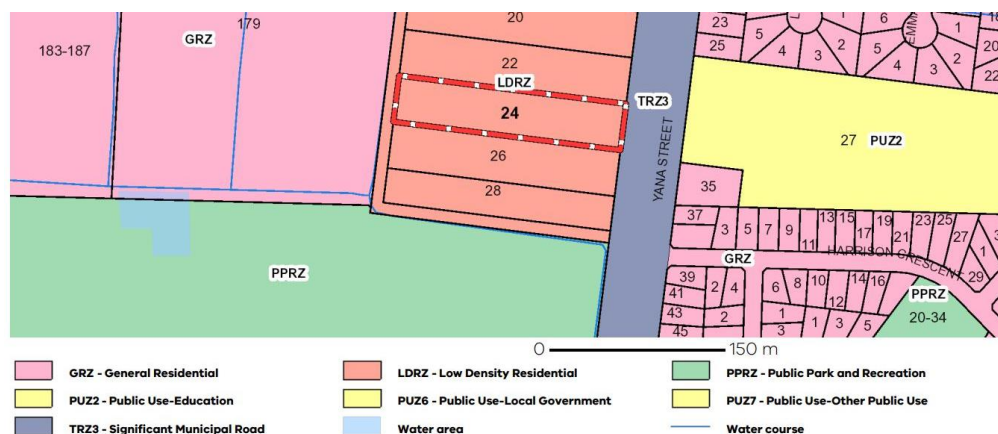


Figure 2.1 Planning Zone



Figure 2.2 Special Control Overlay

Existing Site Drainage

The proposed development site is a flat terrain and the present drainage system uses overland flow. The stormwater runoff is captured by an existing dam via table drains and finally discharged the rear of the property.

Proposed Development Plan

Proposed Site Plan

The proposed development Plan has been prepared by Swanbuild Homes to develop proposed Kindergarten within the area of 7810.03 m² comprising existing Child Care Centre, pavements and carparks. The proposed development includes:

- Post Development Pervious Area : 5220.04 m²
- Post Development Impervious Area : 2589.99 m²

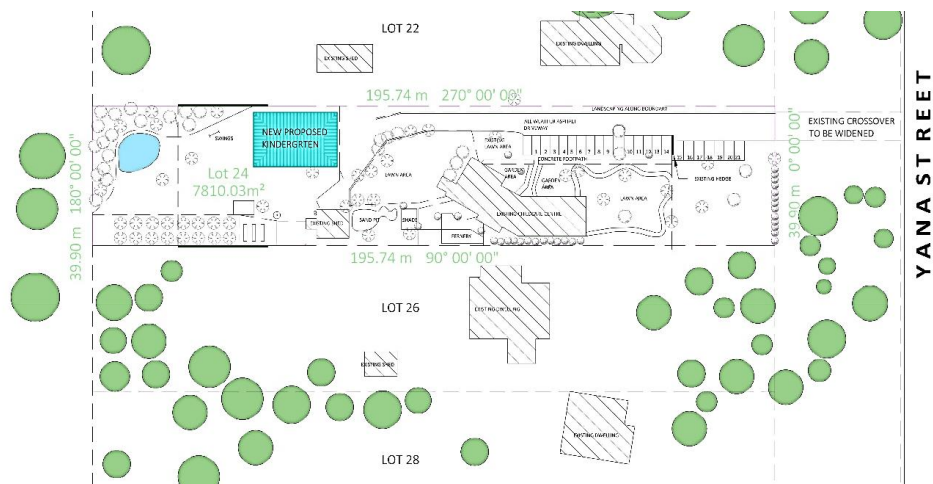


Figure 3 Proposed Site Plan (by Swanbuild Homes)

Stormwater Drainage Strategy

Catchment and Discharge Points

For stormwater drainage, the development site will be split into three separate catchment areas as illustrated in Figure 4.

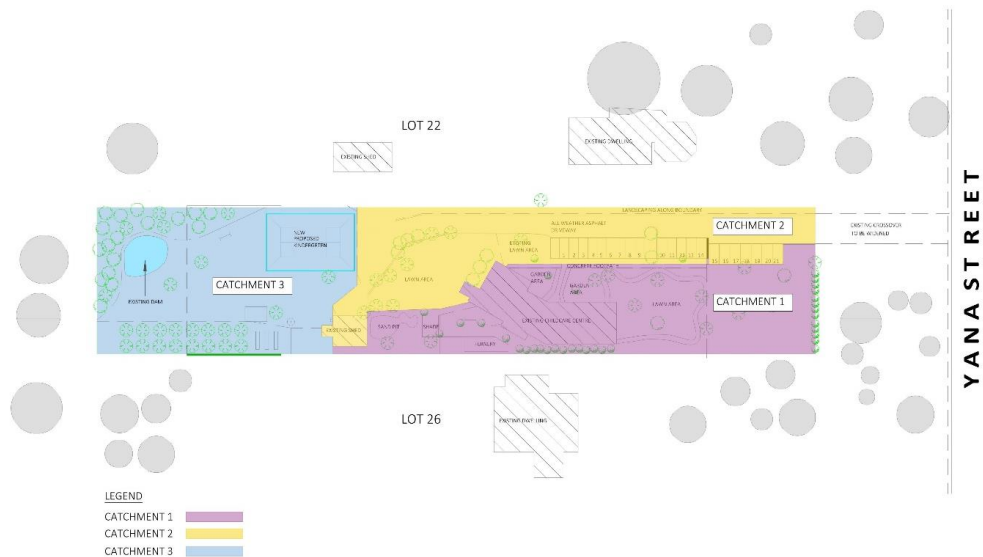


Figure 4 Catchment Plan

Three catchment areas are as categorised below:

Catchment 1: Existing childcare centre, lawn/garden area on eastern portion, garden area at the front of the existing childcare is proposed to connect to Raingarden A.

Catchment 2: Sealed carpark, pavement and concrete footpath, lawn area in between two buildings and existing shed is proposed to connect to Raingarden B

Catchment 3: Proposed kindergarten, lawn area on western portion is proposed to be connected to Raingarden C.

Permissible Site Discharge (PSD)

The permissible site discharge (PSD), as per Swan Hill Council requirements, shall not exceed the peak flow experienced in a 5-year ARI, 20% AEP storm event prior to development with detention capable of detaining the flows for a 100-year ARI, 1% AEP storm event.

4Site has completed the calculation using STORM updated software to determine the peak 5% AEP flows for the whole site. Full report is attached in Appendix B.

Table 1: PSD for proposed development

Catchment	Time of concentration, min	Runoff Coefficient, Cv	Rainfall Intensity, mm/hr	Area, m ²	PSD, L/s
Proposed Development	15	0.57	77.28	2589.99	50.15

Stormwater Detention

On-site detention has been proposed to restrict the flow within the site to pre-development conditions from the LPoD.

Using STORM updated, on site detention volume (1 IN 100 ARI) for the catchment discharging into council's drain has been calculated. The result has been tabulated below.

Table 2: Stormwater Detention

Catchment	PSD, L/s	Storage, m ³	Head, m	Orifice Diameter, m
Proposed Development	50.15	124.23	1	0.152

Note:

- Outlet flow can be restricted by using 150mm diameter outlet pipe as well.
- The storages provided on raingardens can be considered as a surplus storage of 4 m³ on top of required detention volume.

Stormwater Quality

Recognising the importance of stormwater management and the effects on the surrounding environment Swan Hill Council has included Clause 53.18 Stormwater Management in Urban Development into the scheme. All new developments must comply with stormwater management objectives set out for subdivision, building and works and the site management objectives.

Stormwater Performance Objectives

To achieve the best practice water quality performance objectives set out in the *Urban Stormwater Best Practice Environmental Management Guidelines*, CSIRO 1999 (or as amended). Currently, these water quality performance objectives are:

Table 3: Stormwater Performance Objectives

Pollutant	Current Best Practice Performance Objectives
Suspended Solids	80% retention of typical urban annual load
Total Nitrogen	45% retention of typical urban annual load
Total Phosphorus	45% retention of typical urban annual load
Litter	70% retention of typical urban annual load

Stormwater Modelling

The proposed treatment measures and impact of the proposed development has been modelled in MUSIC in accordance with Melbourne MUSIC Guidelines as shown below.

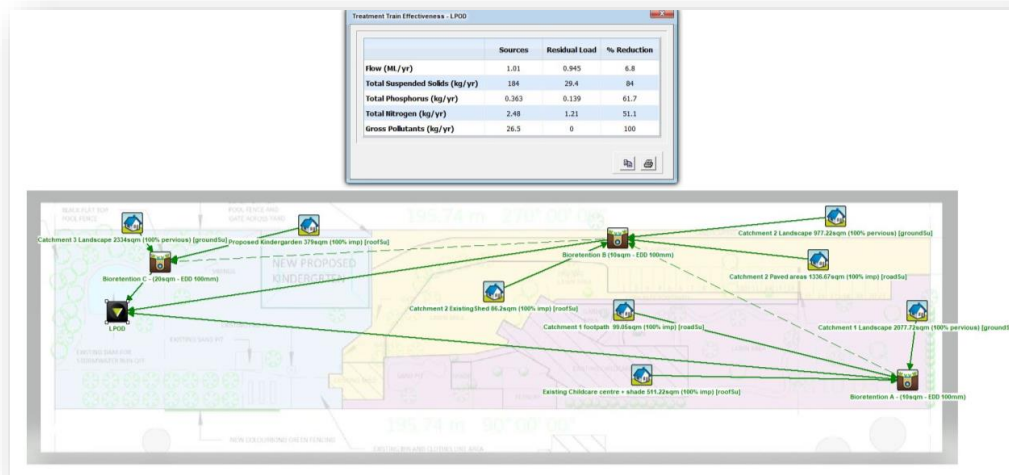


Figure 5: WSUD model for the proposed development

Stormwater Treatment Measures

Bioretention/ Raingardens were modelled, and the design requirements of bio-retention are as discussed below:

Table 4: Bioretention Design Requirements

Bio Name	Area of Bio, m ²	EDD Height, mm	Minimum Filter Layer Depth, mm	Total Bio Height, mm
Raingarden A	10	100	500	950
Raingarden B	10	100	500	950
Raingarden C	20	100	500	950

General Arrangement Plan

The minimum area required for Raingarden A is 10 m² and will be located at the front of property with the storing capacity of 1 m³ at the depth of 30 cm. The raingarden will overflow to Raingarden B. Raingarden B can alternatively be constructed as per Figure 3. with an area of 10 m² and can store up to 1 m³ of storm at the depth of 30cm. Water will move by overland flow at the rear of the proposed of kindergarten to Raingarden C, which has an area of 20 m² and can store 2 m³ of the storm. Final stormwater runoff is transported to the existing Dam of spreading on an area of 106 m² with the capacity to hold approx. 100 m³ of water. Raingarden A, B, C and to be connected by 150 mm Slotted Pipe and finally connected to the existing detention system (Dam).

The storages provided on raingardens can be considered as a surplus storage of 4 m³ on top of required detention volume. General arrangement of raingardens is attached in Appendix C.

Bio-Retention/Raingardens

Raingardens are vegetated areas where stormwater is passed through densely planted filter media (loamy sand) allowing the plants to absorb the collected and stored nutrients. Raingardens utilise temporary ponding above the vegetated surface to increase the volume of stored water for treatment. Raingardens can take many forms, but all have common features including the extended detention

depth above the media surface, the filter media and a low-level drainage media and subsoil system. These are shown in the figure below.

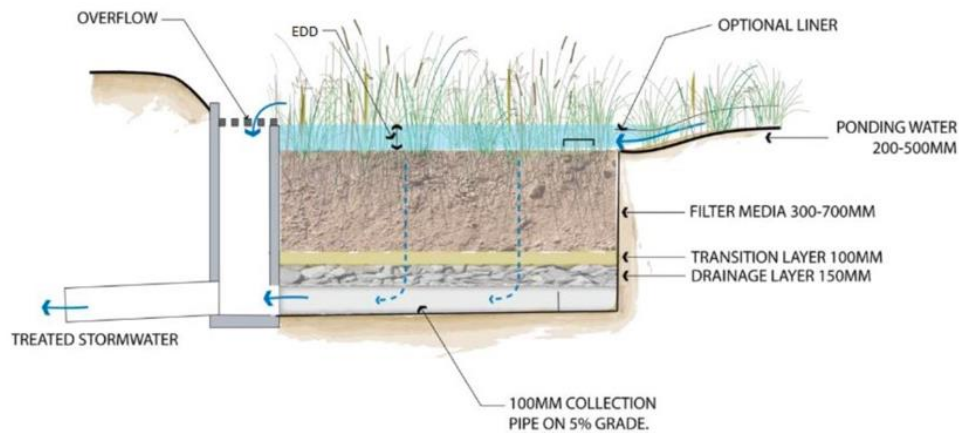


Figure 3: Raingarden Element (Melbourne Water)

Raingardens are specially-designed garden beds that filter stormwater run-off from the surrounding area or storm water pipes prior to discharge to the minor drainage system that will target fine particles (TSS), nutrients (TP and TN) and heavy metals.

It is the responsibility of the owner/site maintenance staff to ensure that all WSUD and stormwater assets are maintained according to the maintenance schedule attached in Appendix D. Raingarden should be inspected for damage after large storm events (48.2mm in one hour is considered a large storm event in Melbourne 1 in 100-year storm). A full inspection of the raingarden should occur annually for flow test to identify plant replacement requirements. Inspection of roof areas and gutters leading to the raingarden should take place every six months.

Roadside raingardens are proposed to capture and treat stormwater runoff close to its source. Like larger bio-retention basins, these roadside gardens rely on bio-filtration processes to reduce stormwater pollutants. They are suitable for installation in greenfield developments as well as for retrofitting in existing developed areas.

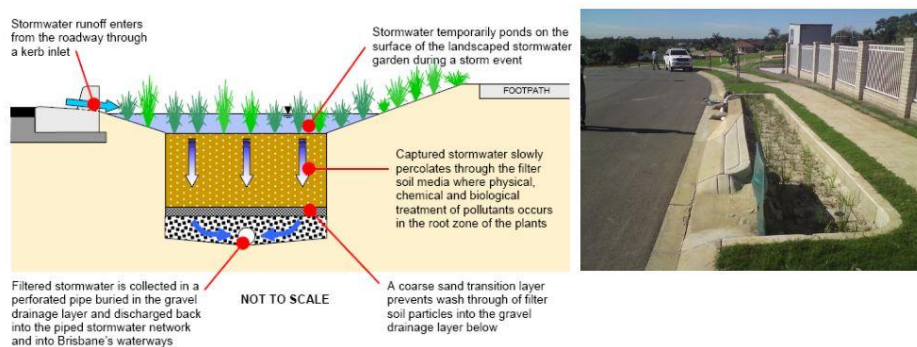


Figure 3: Typical Roadside Bio-Retention (Brisbane City Council, 2007 and Stantec)

The filter media parameters to be tested include hydraulic conductivity, particle size distribution, organic matter content, pH, electric conductivity and phosphorus concentration. The hydraulic design of raingardens is essential to ensure effective stormwater treatment performance. The following

typical guidelines will be incorporated within raingarden design:

- The finished surface of the raingarden filter media must be horizontal to ensure full engagement of the filter media by stormwater flows and to prevent concentration of stormwater flows within depressions and ruts resulting in potential scour and damage to the filter media.
- Where possible, the overflow pit or bypass channel should be located near the inflow zone to prevent high flows passing over the surface of the filter media.
- Where the field inlets in a bio-retention system are required to convey the minor storm flow, the inlet must be designed to avoid blockage, flow conveyance and public safety issues.

Stormwater Treatment Effectiveness

The treatment train efficiency results for overall development is as tabulated below:

Table 5: Treatment Train Effectiveness

	% Reduction	% Target Reduction	Reduction Target Achieved
Total Nitrogen, TN	51.1	45	YES
Total Phosphorus, TP	61.7	45	YES
Total Suspended Solids, TSS	84.0	80	YES
Gross Pollutants, GP	100	70	YES
Flow	6.8	-	-

Result presented in Table 5 indicates that the proposed WSUD treatment train effectively mitigates the impact of water quality of the development and meets the required Water Quality Objectives thus ensuring stormwater quality is appropriately managed on site.

Conclusion

This Site Based Stormwater Management Plan has been prepared for the proposed development at 24 Yana Street, Swan Hill. The proposed development comprises the construction of Kindergarten and existing Childcare Centre. If unmitigated, the proposed development will increase the volume of stormwater runoff from the site due to the new impervious surfaces. Furthermore, the development would influence runoff water quality from the site. Based on the calculation, additional storage required for 1 IN 100 ARI after development is 25 m³.

Stormwater reduction and treatment devices have been proposed in this report to minimise the impact the development has on the external environment. This report has demonstrated that the recommended devices exceed the required Water Quality Objectives by incorporating WSUD into the proposed stormwater drainage system for Total Suspended Solids, Total Phosphorous, Total Nitrogen and Gross Pollutants. The raingardens will continue to be used for filtering out pollutants such as nitrogen, phosphorus, oils and heavy metals from rainwater and storm water. The raingarden and existing earth berm will detain stormwater flows for the 20% AEP, 5 yr ARI and 1% AEP, 100 yr ARI stormwater events, whilst improving the water quality.

From a stormwater management perspective, we believe the development can be undertaken in accordance with the Swan Hill Rural City Council Planning Scheme Clauses 53.18, Melbourne Water guidelines and requirements, and should be endorsed for approval.

Reference

Price Merrett Consulting Kerang (24/03/15) – Council Approved Stormwater Management Plan (Ref: F6994)

Swanbuild Homes (23/05/22) – Proposed New Residence Plans

Swan Hill Planning Scheme, 2022 [Swan Hill Planning Scheme - Ordinance](#), viewed 20/07/2022

Urban Stormwater Best Practice Environmental Management Guide – CSIRO, 1999
<https://www.publish.csiro.au/book/2190/>, viewed 20/07/2022

Australian Government, Bureau of Meteorology, <http://www.bom.gov.au/water/designRainfalls>, viewed 20/07/2022

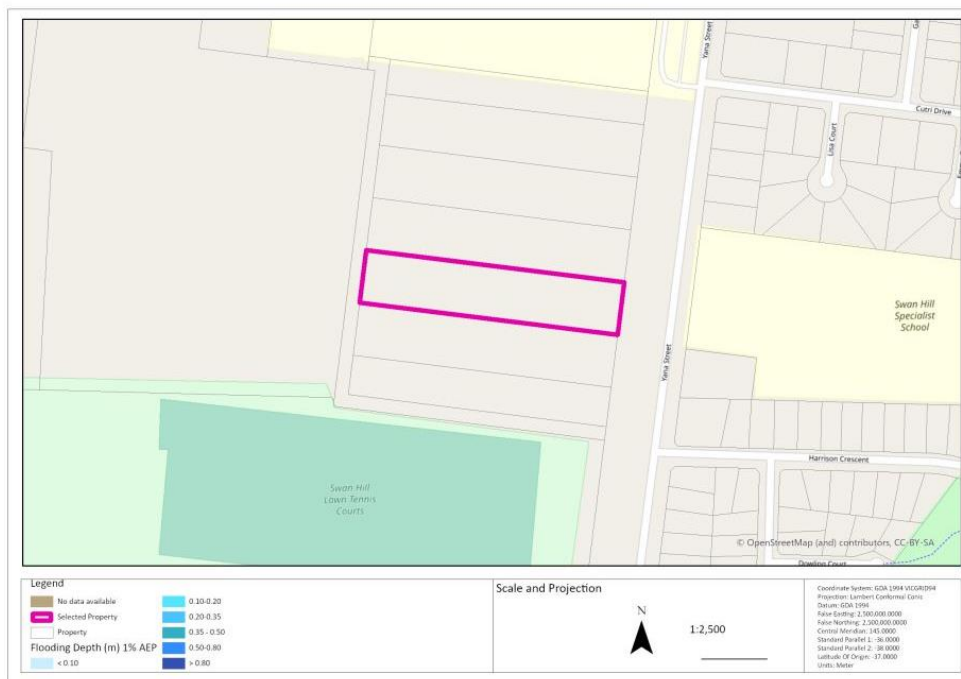
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Melbourne Water (2005) WSUD Engineering Procedure: Stormwater. Available at:
<https://www.publish.csiro.au/book/4974>

Appendix A - Flood map

This map shows the extent and potential depth of flooding in the event of a 1% AEP flood as it relates to the highlighted property. All information provided in this report relates to the property highlighted on this map.



Flood map shows that the property is not subjected to flooding.

Appendix B - OSD Report



OSD Design Summary Report

Method used for OSD calculations: SWINBURNE METHOD

OSD System Specified: OSD Basin constructed Above ground storage

Site Details:

	Area (m ²)	Runoff Coefficient
Pre-development impervious area	1462.27	0.9
Pre-development pervious area	6347.76	0.3
Post-development impervious area	2589.99	0.9
Post-development pervious area	5220.04	0.4
Uncontrolled impervious area	0	0.9
Uncontrolled pervious area	0	0.4

	Pre-development	Post-development	Uncontrolled
Total Site Area (m ²)	7810.03	7810.03	N/A
Weighted Runoff Coefficient	0.41	0.57	0

Catchment Times (minutes):

Time of concentration of catchment (Tc):	15 mins
Time of concentration of catchment to site outlet (Tcs):	10.00 mins
Time of concentration of site outlet to catchment outlet (Tso):	5 mins

Storage Design:

Storage Type:	Above ground storage	
Rainfall Zone:	Latitude: -35.3492815	Longitude: 143.5431481
AEP for PSD (%):	20	
AEP for OSD (%):	1	

Storm Duration and Intensity:

Flow:	Tc (mins): 15	I (mm/hr): 54.51
Storage:	Td (mins): 37	I (mm/hr): 77.28

Flow Calculations and Storage Details:

Pre-development peak site inflow (L/s):	48.76
Uncontrolled peak site inflow (L/s):	0
Post-development peak site inflow for PSD (L/s):	133.83
Post-development peak site inflow for OSD (L/s):	189.73
Calculated PSD (L/s):	50.15
Nominated PSD (L/s):	50.15
Required Storage Volume (m ³):	124.23
Climate Change Adjustment (% change from required storage volume):	No climate change adjustment

Date: 05/08/2022

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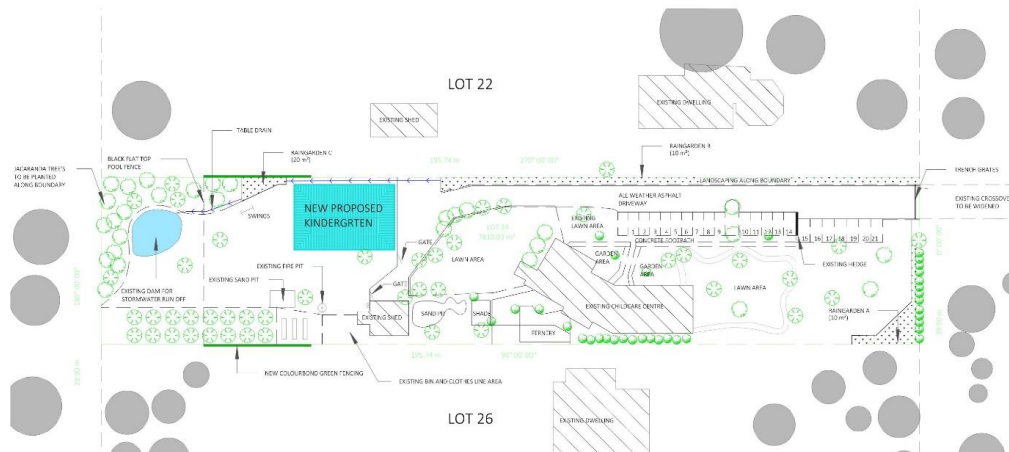
Adjusted Required Storage Volume (m ³):	124.23
Height of storage above orifice (m):	1
Required Orifice Diameter (mm):	152.55

Date: 05/08/2022

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Appendix C - General Arrangement Plan



Note:

Location of Raingarden to be verified and confirmed on site during construction. Reference has been made to the Price Merrett Consulting Kerang (24/03/15) – Council Approved Stormwater Management Plan (Ref: F6994).

Appendix D - Maintenance Schedule

Maintenance Schedule for a rain garden has been sourced from WSUD Maintenance Guidelines by Melbourne Water.

INSPECTION AND MAINTENANCE ACTIVITIES FOR RAINGARDENS

Component	Key activities	Typical frequency
Filter Media	– Remove leaf litter and gross pollutants	3 months & following storm events
	– Check for biofilms (algal biofilms may develop on the surface of the filter media leading to clogging issues)	
	– Monitor ponding of water following rainfall events	
	– Check for permanently boggy/pooled areas	
	– Remove sediment (or scarify filter media surface if required)	Annually
Erosion	– Check for erosion/scouring	3 months
	– Check for evidence of preferential flow paths	
	– Replace filter media in eroded areas	
	– Add rock protection around inlets (if required)	
Mulch	– Check depth and even distribution of mulch	3 months
	– Check mulch is not touching plant stems	
	– Check for sediment/silt accumulation in mulch layer	
	– Replace mulch (if required)	
	– Retain mulch using jute mats or nets (if required)	
Vegetation	– Inspect plant health and cover	3 months
	– Replace dead plants (maintain a consistent vegetation density of 6–10 plants per square metre across the raingarden filter media)	
	– Remove weeds (avoid use of herbicides)	
	– Prune plants (where applicable)	
	– Water plants (if required during establishment phase)	
Civil components	– Check infrastructure for damage and repair as required	3 months & following storm events
	– Ensure inlet and outlet points are clear of sediment, litter and debris	
	– Inspection opening for underdrain (slotted drainage pipe):	Annually
	– Check water level	
	– Check for sediment accumulation	
	– Flush the underdrain system (if required)	



Appendix E – Site Cleaning Checklist

<h2 style="text-align: center;">CLEAN SITE CHECKLIST</h2> <p style="text-align: center;">Please photocopy to use on site</p>		
SITE DETAILS: Building Company: _____ Date: ____ / ____ / ____ Site Supervisor: _____ Site Address: _____ Client Name: _____ Contact Number: () _____		
SITE RULE	TASK	CHECK
SITE RULE 1 - Check Council requirements and plan before you start work on site.	Crossover away from lowest point	<input type="checkbox"/>
	Sediment control fence on lowest side	<input type="checkbox"/>
	Stockpiles away from lowest point	<input type="checkbox"/>
	Marked trees and vegetation to keep on site	<input type="checkbox"/>
SITE RULE 2 - Stop erosion on site and contain sediments.	Sediment control fence in place	<input type="checkbox"/>
	Catch drains on high side of site	<input type="checkbox"/>
	Vegetation areas kept at boundary	<input type="checkbox"/>
	Gravel sausage at storm water pit	<input type="checkbox"/>
	Downpipes set up as early as possible	<input type="checkbox"/>
SITE RULE 3 - Protect stockpiles.	Base and cover for stockpiles	<input type="checkbox"/>
	Gravel sausage at stormwater pit	<input type="checkbox"/>
SITE RULE 4 - Keep mud off road and on site.	Crushed rock access point	<input type="checkbox"/>
	Vehicles keep to crushed rock areas	<input type="checkbox"/>
	Mud removed from tyres before leaving site	<input type="checkbox"/>
	Clean road if muddy	<input type="checkbox"/>
	Clean stormwater pit and maintain gravel sausage	<input type="checkbox"/>
SITE RULE 5 - Keep litter contained on site.	Litter bins in place with lid closed	<input type="checkbox"/>
	Site fencing in place	<input type="checkbox"/>
SITE RULE 6 - Clean and wash up on site.	Cutting and clean up area on site	<input type="checkbox"/>
	Clean equipment off before washing	<input type="checkbox"/>
	Sediment filters downslope	<input type="checkbox"/>
	Contain all washings on site	<input type="checkbox"/>



1st September 2022

Report No. 22096

Title: Noise impact assessment of a proposed childcare extension of the Young Adventurers Early Childhood Education Services situated at 24 Yana Street, Swan Hill at its nearest noise sensitive receivers

Brief: Assessment of the proposed childcare centre extension at 24 Yana Street, Swan Hill in regard to the noise impact at nearest noise sensitive receivers using a noise prediction modelling tool and the best practice in noise attenuation measures from childcare centres

Client: Young Adventurers Early Childhood Education Services
24 Yana Street
Swan Hill VIC 3585

Contact: Marg Hartshorn
Mobile: 0488 545 225
admin@youngadventurers.com.au

Executive Summary

A&AC has performed a noise impact assessment of the proposed extension development to accommodate 40 children of the childcare centre at 24 Yana Street, Swan Hill.

Two groups are proposed: 20 children age between 3 – 4 years old; and 20 children age between 4 – 6 years old.

The assessment has undertaken the establishment of noise criteria and assessed the noise impacts with regard to relevant statutory requirements.

The assessment has used noise modelling tool to predict noise impact at the nearest noise sensitive receiver at 30 m from the proposed development, the residential premise at 22 Yana Street, Swan Hill.

The predicted noise level from 20 children playing outdoor received at the nearest residential premise is 45 dB(A). We have compared predicted noise level with the Noise Protocol's limit for the residential zone the in the table below.

Residential premise 22 Yana Street, Swan Hill	Predicted outdoor play activities at NSA - 1 area at 30 m distance, in dB(A)	Noise criterion, dB(A)	Compliance Yes/No
Day period 07:00 - 18:00	45	52	Yes

Noise emissions from the outdoor play activities to the nearest noise sensitive areas have been calculated to comply with the VIC EPA Publication 1826.4 – *Noise limit and assessment protocol for the control of noise from commercial, industrial and trade premises and entertainment venues* also known as the Noise Protocol.

If the centre's activities comply at the nearest noise sensitive receiver, they will fully comply at noise sensitive receivers at further distances.

Based on this assessment we do not recommend any additional mitigation measures to the existing childcare centre. Mechanical plants such as outdoor air conditioning condensers will comply with the established noise limits.

We conclude that the proposed extension development of the childcare centre is deemed not to cause unwanted noise impact to the nearest noise sensitive receivers, provided that the administrative noise control measures recommended in this report are implemented.

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1.0 Introduction

Acoustic & Audiometric Services (A&AS) has been commissioned by Marg Hartshorn of the Young Adventurers Early Childhood Education Services (the developer) to prepare a noise impact assessment of a proposed extension of the childcare centre situated at 24 Yana Street, Swan Hill.

The report details the results of a noise survey and assessment of likely noise impact from the proposed extension at the nearest noise sensitive areas to the development. The developer proposes to accommodate maximum 40 children at the extension building.

Our aim is to recommend noise impact below noise limits calculated as per the Noise Protocol methodology and the proposed development comply with the General Environmental Duty of EPA Environment Protection Act 2017.

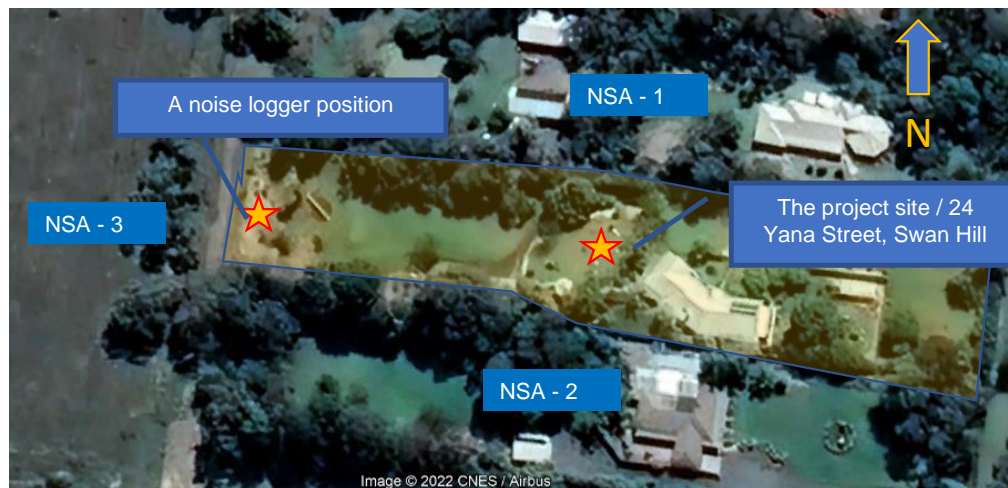
2.0 Proposed extension of the existing childcare centre

The proposed extension is to be located at 24 Yana Street, Swan Hill; at the back of the existing childcare centre at the same address.

The nearest noise sensitive receiver are adjoining residential premises to the nominal north and nominal south, and to the nominal west a vacant land which is the subject to future development as per Swan Hill Rural City planning scheme. At the nominal east there is a busy Yana Street.

The Figure 1 shows an aerial image of the site area and the surrounding environment including noise sensitive areas (NSAs) as well as a logger location where we measured background noise relevant to the assessment.

Figure 1: Site location and nearest sensitive areas (NSAs) to the proposed development



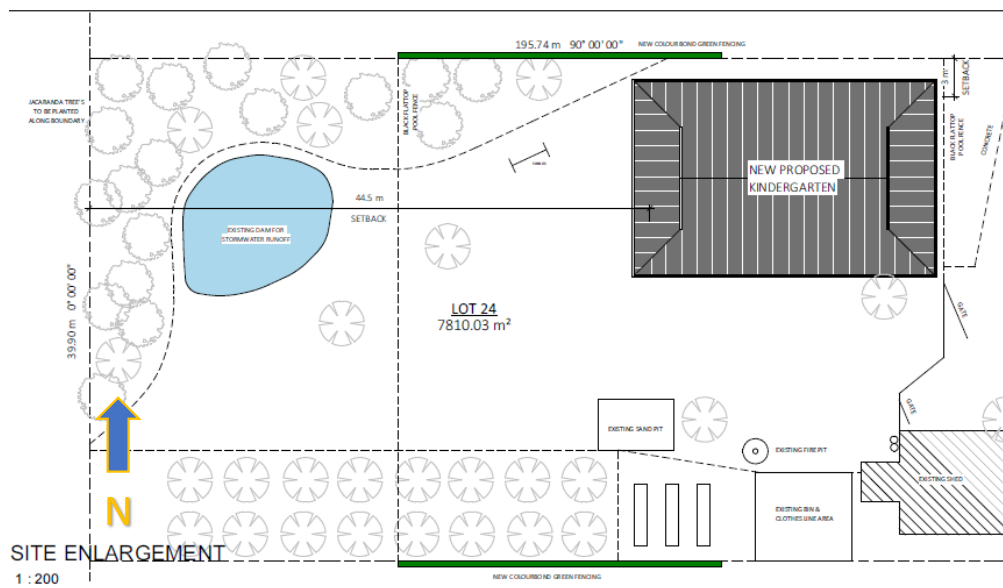
- | | |
|----------|---|
| NSA – 1: | No 22 Yana Street, Swan Hill – a residential premise |
| NSA – 2: | No.26 Yana Street, Swan Hill – a residential premise |
| NSA – 3 | Vacant land – subject to the Swan Hill Rural City Council planning scheme |

2.1 The Development

The proposal is to extend the exiting childcare to accommodate additional 40 children from age 3 to 6 years old. The childcare centre's outdoor play area is to be located nominal west, facing the exiting child playground area and an artificial wetland used for stormwater runoff. Along the north and south side of the proposed childcare centre there are residential properties. The car park of the proposed centre is located along of the existing childcare centre building facing east. The existing childcare centre's property is surrounded by an acoustic fence 1.8 m height including the proposed location for the development.

Figure 2 below is the proposed development plan including playground areas. The main entrance into the building would be from the exiting childcare centre at the nominal east.

Figure 2: Proposed development



Architectural Plan courtesy of Swanbuild Homes & Young Adventurers Early Childhood Education Services

2.2 Hours of Operation

The following hours of operation are proposed as following:

- Monday to Friday 0800 am until. 0600 pm
- Saturdays to Sundays Closed
- Public holidays Closed

2.3 Enrolment Numbers

The developer plans to provide service for maximum 40 children aged between 3 to 6 years age as follows:

- Group 1 (one) 3 to 4 years old – maximum 20 children
- Group 2 (two) 4 to 6 years old – maximum 20 children

2.4 Outdoor Play Activities

A variety of activities will be provided throughout the day, appropriate to the range of age groups. These activities involve both indoor free-play and structured learning and outdoor activities. A management plan has been supplied by the Young Adventurers Early Childhood Education Services where the children would have outdoor play-time scheduled according to age groups. It is understood that the outdoor play activities will only occur for no more than 4 hours a day. Please see the Appendix III for planned kinder garden activities of the proposed development advised by the childcare centre management.

The majority of the outdoor play area is located at the nominal west of the proposed development building which is fenced off from the existing residential properties at 22 and 26 Yana Street. At the nominal west there is a natural ground elevation which would protect from the noise impact the potential land uses of the existing vacant land.

The times and the number of children engaged in outdoor play may vary, however conservative calculations have been based on the assumption that 20 children (groups 3 to 4; and 4 to 6 years old) may be involved in outdoor play in the outdoor play area.

3.0 Noise Guidelines and Criteria

The establishment of the noise criteria for the assessment of the childcare centre have been based on the VIC EPA Publication 1826.4 – Noise limit and assessment protocol for the control of noise from commercial, industrial and trade premises and entertainment venues also known as the Noise Protocol and the AAAC Guideline for Child Care Centre Acoustic Assessment Version 3.0 (September 2020).

3.1 The Noise Protocol

The Noise Protocol prescribes noise limits for commercial, industrial and trade premises. The goal is to protect residents from noise that may affect the beneficial uses such as the nearest noise sensitive receivers. Note the Policy specifically excludes noise from the human voice. However, this is the best criteria we believe we have to work on the basis of using the limits of the Protocol and providing the best guidance in these matters.

The Protocol prescribes different levels for different times of day and can be defined as follows for Monday through Friday as follows:

- Day 0700 – 1800 hours
- Evening 1800 – 2200 hours
- Night 2200 – 0700 hours

Since the proposed childcare centre will not operate evening and night period, as well as Saturdays, Sundays and Public holidays only the day period times will apply in the noise impact assessment at the nearest noise sensitive receivers.

3.2 Outdoor Play Areas Noise Criterion

A guideline for the assessment of noise from childcare centres has been prepared by the Association of Australian Acoustical Consultants (AAAC) as a result of NSW Australian Acoustical Society (AAS) Technical Meeting held in September 2007 on Child Care Noise. The document, *AAAC Technical Guideline Child Care Centre Noise Assessment*, provides criteria for the assessment of noise intrusion into and noise emissions from childcare centres, and also provides recommendations for treatment to minimise acoustical impacts upon neighbouring premises.

Since the time in which children are involved in outdoor play is limited, the potential impact associated with these noise emissions reduces. The AAAC consider a total limit of 4 hours outdoor play per day (typically 2 hours in the morning and 2 hours in the afternoon) reasonable to apply a criterion of $L_{eq,15min}$ noise level emitted from the outdoor play area does not exceed the background noise level by more than 10dB(A) at the assessment location.

The background noise assessment was conducted from Saturday, 30 July to Friday, 5th August 2022, at the logging location shown in the Figure 3. We chose the location based on the existing environment conditions and a proximity to the residential premises closest to the proposed development, without noise influence from the childcare centre.

Figure 3: Background logger's location -



The background data has been filtered to remove recorded data during adverse weather conditions upon consultation with historical weather reports provided by the Bureau of Meteorology (BOM) for the month of August 2022 for Swan Hill, please see the Appendix V for weather conditions during the assessment period.

The background level expressed as L_{90} -averaged over the logging period is 42 dB(A) for the day period between 0700 and 1800 hours.

3.3 Calculation of the zone influencing factor

The influencing factor is calculated as per the Noise Protocol methodology as following:

Figure 4: Calculation of the Protocol's influencing factor for the proposed childcare centre

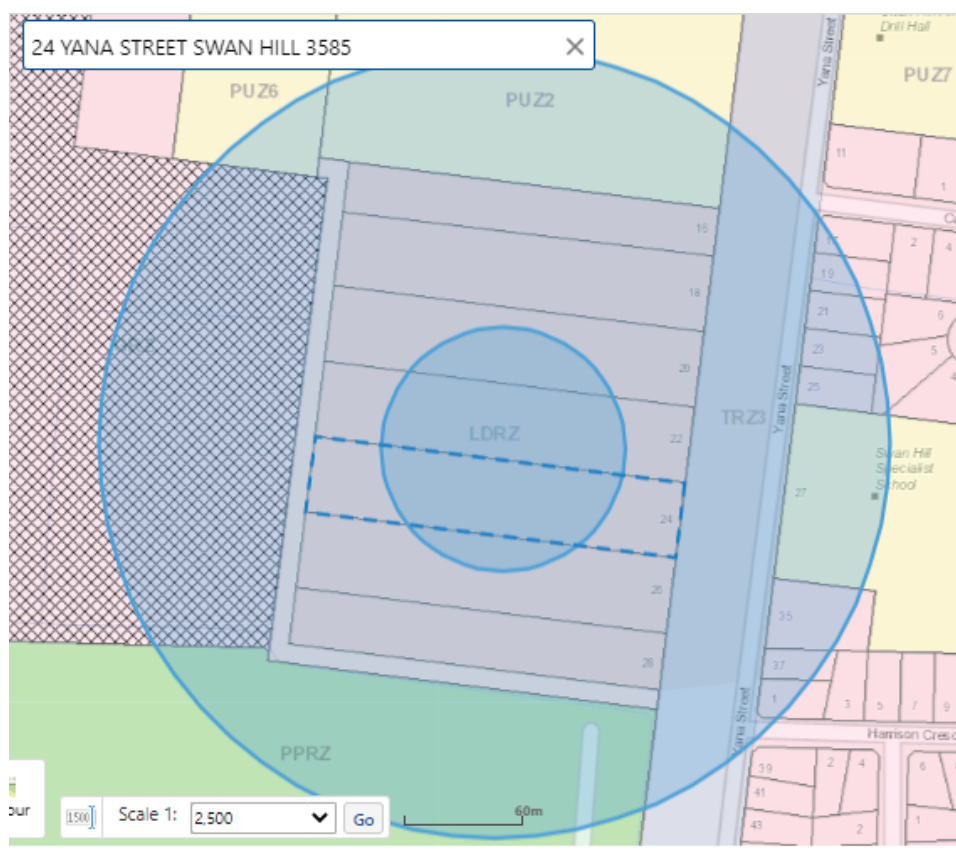


Table 1: Calculation of influencing factor (IF)

24 Yana Street, Swan Hill		IF	Zoning level
Day period	07:00 - 18:00	0.09	52
Evening period	18:00 - 22:00	0.09	46
Saturday	07:00 - 18:00	0.09	41
Sunday	07:00 - 22:00	0.09	41
Night period	22:00 - 07:00	0.09	41

Area	400 m	Total	
Type 1	Type 2	Type 3	
0	0	0	125581
Area	140 m	Total	
Type 1	Type 2	Type 3	
0	5600	0	15364
IF		0.09	

These Noise Protocol's periods are not applicable for the proposed childcare

The Noise Protocol specifies the background level for the day period:

- a. for the day period the background level is –
 - i. neutral when it is at least 6 dB, and no more than 12 dB, below the zoning level;

Therefore, the noise limit is the zoning level which is 52 dB(A) and it is presented in the Table 2 below.

Table 2: Noise limit for the proposed development

1605 Ferntree Gully Road		Background, L_{90} dB(A)	Background	Zoning level dB(A)	Noise limit dB(A)
Day period	07:00 - 18:00	42	Neutral	52	52

4.0 Operational Noise Impact Assessment

The potential noise management issues occur primarily when children are engaged in outdoor play activities. Noise generated by the children in the outdoor play area will occur at limited times throughout the day, with a number of children playing and the period of play managed by the Centre staff.

The AAAC provides a technical guideline for a childcare centre noise assessment. Within this guideline it stipulates the following assumed sound power levels (L_w) for various age groups of children:

- 10 children aged between 0 to 2 years: 78 dB(A)
- 10 children aged between 2 to 3 years: 85 dB(A)
- 10 children aged between 3 to 5 years: 87 dB(A)

Taking an extremely conservative (i.e. worst case) assumption of all 20 children (age group between 3 to 6 years) being in the outdoor play areas at any one given time, the corresponding increase in overall noise level to those presented by the AAAC would be approximately 3 dB(A); i.e. the total level for 20 children aged between 3 to 6 years is 90 dB(A).

The following assumptions have been made in the noise modelling of the outdoor play areas noise impacts on the nearby residences:

- 20 children between the ages of 3 to 6 years playing in the outdoor area
- The height of the residential receivers has been assumed to be 1.5m above ground level.
- Source height in the outdoor play area, i.e. children height, have been taken to be 0.8m above the ground level, which is a conservative position as a number will not be standing.
- Distance from the middle of the outdoor play area to the adjoining residential receiver at NSA 1 is 30 m
- Due to the close proximity of the outdoor play area to the childcare centre building's external wall, noise reflection in the outdoor play area have been taken into account.

The predicted noise levels experienced by neighbouring residential receivers are presented in the table below:

Table 3: Noise criterion compliance

NSA – 1 / 22 Yana Street		Predicted outdoor play activities at NSA - 1 area at 30 m distance, in dB(A)	Noise criterion, dB(A)	Compliance Yes/No
Day period	07:00 - 18:00	45	52	Yes

The outdoor play activities noise levels are predicted to comply with the Noise Protocol's criteria with the existing acoustic wall which separates the residential properties from the childcare centre including the development.

Please see the Appendix IV for the noise impact prediction calculation for 20 children between 3 – 6 years old. The calculation includes the existing noise wall with the height of 1.8 m.

Based on the above assessment we do not recommend any additional attenuation measures for the proposed development.

5.0 Noise control recommendations

To ensure that the proposed childcare centre will operate in a noise compliant manner the following noise mitigation measures have been recommended:

- deliveries should take place between 7 am and 6 pm Monday to Saturday.
- mechanical plant such as air conditioning condensers should be placed on vibration stoppers on the ground level at the west side of the proposed building.

We have calculated that the noise impact of any air conditioning condensers facing west would be 28 dB(A) at NSAs which is negligible and should not increase the existing acoustic environment.

We envisage that the cars movements in and out of the centre will be at idle speed and will not cause noise adverse noise impact at the nearest noise sensitive areas.

We have been advised that the traffic speed is 10 km/h at the centre's access road.

6.0 General recommendations (noise management plan)

The following is a citation from the AAAC's Guideline for Child Care Centre Acoustic Assessment in regard to a noise management plan (NMP) which should be incorporated within the proposed centre overall management plan when ready.

The following are examples of management measures that may be incorporated into a Noise Management Plan (NMP).

- A separate daily program for both the warmer and cooler months should be established to regulate the total time spent outdoors and indoors;
- The NMP should be made publicly available to parents and neighbours;
- A contact phone number for the Centre's director should be made available to neighbours to facilitate communication and to resolve any neighbourhood issues that may arise due to operation of the Centre;
- The number of children playing outside at any one time may need to be limited to meet the noise criteria;
- The type of outdoor activities may be programmed to only allow quiet or "passive" activities such as painting, garden exploration, reading, block play or drawing in certain areas of the centre's outdoor play area;
- Crying children should be taken inside the centre and comforted;
- The behaviour of children should be monitored and modified as required by adequately trained child care workers;
- Parents and guardians should be informed of the importance of noise minimisation when entering the site, dropping off or picking up children;
- Carers / staff should be educated to control the level of their voice while outside; and
- To meet the noise criteria, amplified music may need to be controlled.

Our experience with the similar projects of the noise intrusion assessments of childcare centres shows that the noise management plan is an integral part of administrative noise attenuation measures.

This company can provide a review of the noise management plan of the childcare centre at 24 Yana Street, Swan Hill once the new development is operational.

7.0 Conclusion

A&AC has performed a noise impact assessment of the proposed extension development of the childcare centre at 24 Yana Street, Swan Hill. The assessment has undertaken the establishment of noise criteria and assessed the noise impacts with regard to relevant statutory requirements.

Noise emissions from the outdoor play activities to the nearest noise sensitive areas have been calculated to comply with the VIC EPA Publication 1826.4 – *Noise limit and assessment protocol for the control of noise from commercial, industrial and trade premises and entertainment venues* also known as the Noise Protocol.

Based on this assessment we do not recommend any additional mitigation measures to the existing childcare centre. The mechanical plant such as outdoor air conditioning condensers will comply with the established noise limits.

We conclude that the proposed extension development of the childcare centre is deemed not to cause unwanted noise impact to the nearest noise sensitive receivers, provided that the administrative noise control measures recommended in this report are implemented.

If the centre's activities comply at the nearest noise sensitive receiver, they will fully comply with at noise sensitive receivers at further distances.

Please feel free to contact us should any additional detail be required. This applies to any parties that have legitimate access to this report.



Svetimir Ristic, BEng, (Environment and Safety Work) GradDiplEnvSc (Monash) Acoustic Consultant

Reference:

VIC EPA Publication 1826.4 – Noise limit and assessment protocol for the control of noise from commercial, industrial and trade premises and entertainment venues (July 2021)

Association of Australian Acoustic Consultants (AAAC) – Guideline for Child Care Centre Acoustic Assessment Version 3.0 (September 2020)

Audiometric & Acoustic Services – field measurement for the project, reference 22096 – (August 2022)

Young Adventurers Early Childhood Education Services – proposed development plan supplied by Swanbuild Homes – Project: Proposed New Residence – (May, 2022)

Young Adventurers Early Childhood Education Services – Kindergarten daily routine – Word document – (August 2022)

TECHNICAL APPENDIX I

Definition of Terminology

Sound Pressure Level:

The root-mean-square values of the pressure fluctuations above and below atmospheric pressure caused by the passage of a sound wave, usually expressed in deci Bels (re 20 µ Pa)

deci Bel:

Unit usually used to define sound pressure level relative to a reference pressure.

$$DB = 20 \log_{10} \left(\frac{P}{P_{ref}} \right)$$

(A):

Reference to particular weighting network within a Sound Level Meter which modifies the linear response. 'A' weighting is designed to approximate the response of the human ear.

Leq:

Equivalent Continuous Sound Level. This is calculated on the basis of average of the Sound Pressure Level (acoustic energy) over a period of time and is expressed in deci Bels.

LAeq:

The 'A' weighted Equivalent Continuous Sound Level.

L10

The noise level exceeded for 10% of a measurement period. Often used as a measurement of occasional interruptive noise, such as traffic.

L90

The noise level exceeded for 90% of a measurement period. Commonly accepted as the natural Background Noise Level.

Slow:

Dynamic characteristics of a Sound Level Meter which employs a time saving averaging constant of 1 second.

Fast:

Dynamic characteristic – time averaging constant is 125m sec.

Peak:

Dynamic characteristic – time averaging constant is 1m sec.

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TECHNICAL APPENDIX II**Equipment Used**

Noise Sentry data logger

ID Cnh8D...8JRFD

Brüel & Kjær Acoustic Calibrator
Serial No. 1441408

NATA Laboratory calibration due 22 September 2022

Sound Level Meter

SVAN 957
Serial No. 14578

Nata Laboratory calibration due 22 September 2022

The sound level analyser was calibrated before and after the measurements. No significant change was found to have occurred.

Appendix III – Kindergarten activities**Kindergarten Day/Routine**

Room one - 20 children aged 3-4 years

Room two - 20 children aged 4-6 years

8am Before Kinder bookings arrive usually about 5 children

9am Remainder of Kinder children arrive

9am-10am indoor and outdoor play some play inside some play outside depending on weather

10am Group time on mat indoors

10.15 Morning tea inside (sometimes outside if weather is nice)

10am-1pm indoor outdoor play again

12.45pm Group time on mat indoors

1.00pm Lunch inside (sometimes outside if weather is nice)

1pm-3pm Some children will rest indoors (3 year old group most children will rest. 4 year old group about 25% of children will rest).

3pm-4.30pm indoor and outdoor play again

4.30pm Kinder finishes and most children go home

4.30-6pm some children usually about 10 children will remain and either play indoors or join the main building until home time.

NB:

This routine is reproduced in full, form the Word document supplied by the Young Adventurers Early Childhood Education Services

Appendix IV – noise impact calculation including the existing noise wall at 30 m distance

Calculation of a sound path distance and barrier attenuation to the nearest noise sensitive receiver												
Date	1/09/2022					Audiometric & Acoustic Services 28 Hilda Street, VIC Balwyn Phone: 03 9817 5517						
Client	Young Adventurers Early Childhood Education Services											
Sound source	Children - 3 to 6 years old - No. of children is 20											
Consultant	Svetimir Ristic											
Sound source	Barrier height	1.8				Receiver	Barrier height	1.8				Total distance (m) - from the source to receiver
	Distance	20					Distance	10				
	Source height	0.8					Rec. height	1.5				
	Sound path	20.02					Sound path	10.00				
Freq, Hz	63	125	250	500	1000	2000	4000	8000				
L1	69.00	76.00	81.00	84.00	86.00	82.00	78.00	76.00				
A - correction	26.38	33.10	37.55	39.62	40.26	34.21	27.50	21.24				
	-26.2	-16.1	-8.6	-3.2	0	1.2	1	-1.1				
A - weighted	0.18	17.00	28.95	36.42	40.26	35.41	28.50	20.14				
Environmental parameters: Temperature 20 C, Humidity 70%, Ground - hard surface												
									90	dB		
									45	dB		
									43	dB(A)		

We have added 2 dB for the reflection from the nearest building.

The predicted sound pressure level at 30 m distance is 45 dB(A), with the sound barrier at its path.

Appendix V: Weather data for the Swan Hill from the BOM site

Swan Hill, Victoria
August 2022 Daily Weather Observations

Date	Day	Temps		Rain	Evap	Sun	Max wind gust			9 am						3 pm					
		Min	Max				Dir	Spd	Time	Temp	RH	Cld	Dir	Spd	MSLP	Temp	RH	Cld	Dir	Spd	MSLP
1	Mo	3.4	15.4	2.8			NW	39	14:08	6.7	100		WNW	20	1017.2	15.1	52	1	NW	26	1015.3
2	Tu	2.5	16.6	0			NNE	48	22:15	8.2	72		N	15	1017.0	15.9	40		NNE	26	1012.0
3	We	8.1	21.4	2.4			N	56	00:35	13.8	77	5	N	20	1006.7	21.1	40		NW	30	1003.0
4	Th	7.6	20.4	0.2			NW	54	15:31	12.2	79	8	NNE	13	1000.8	19.7	43	6	NNW	31	996.5
5	Fr	6.3	17.2	0			W	76	17:08	10.4	72		N	19	1002.2	16.3	49	8	NW	28	1000.8
6	Sa	7.2	16.2	3.8			WNW	43	09:24	9.8	99	8	W	28	1008.8	14.4	71	8	SW	24	1009.4
7	Su	5.7	15.0	4.2			SSW	20	13:21	9.4	100	8	WSW	13	1018.0	14.4	66	3	WSW	13	1018.8
8	Mo	0.4	15.5	0			SW	22	16:33	5.3	100	8	Calm		1025.8	14.8	50	1	WSW	11	1023.9
9	Tu	-0.2	14.6	0			SSE	20	13:52	5.2	94		SSE	9	1028.1	14.3	42		SE	9	1025.7
10	We	0.9	12.8	0			NE	31	12:38	5.9	85	7	NE	13	1026.4	12.3	68	4	ENE	9	1021.9
11	Th	5.9	17.2	0.8			N	39	10:35	10.4	87	8	N	22	1015.6	16.3	54		NNW	19	1012.5
12	Fr	7.6	16.1	0.4			NE	37	16:15	8.7	89		NNE	13	1012.5	15.5	60	8	NE	15	1009.2
13	Sa	7.8	13.8	1.6			NW	30	09:42	9.9	100	7	NW	17	1011.6	11.3	96	8	W	11	1010.8
14	Su	4.7	13.9	1.8			W	44	15:55	6.7	100	8	WNW	11	1011.3	12.8	77	6	WSW	26	1010.3
15	Mo	3.6	15.3	0.2			WNW	37	16:07	8.6	100	8	WNW	17	1010.0	14.3	69	8	W	22	1007.1
16	Tu	4.7	16.1	1.6			SW	44	10:15	9.7	99	4	WSW	26	1014.7	15.3	62	5	SSW	19	1015.7
17	We	3.8	16.8	0			NNW	33	12:45	8.9	99	8	NNW	9	1021.8	15.8	62	8	N	20	1017.7
18	Th	8.8	15.7	0.2			NNW	33	09:58	13.0	65	8	N	24	1010.9	12.8	85	8	NNW	11	1008.2
19	Fr	5.0	15.4	4.6			WSW	41	13:44	8.1	98		W	22	1018.3	14.6	47	1	W	24	1018.1
20	Sa	7.5	16.8	0.2			NW	35	01:44	11.5	100	8	W	22	1021.6	16.4	55	1	WSW	20	1022.2
21	Su	0.9	16.5	0			E	31	08:53	8.4	76		ENE	9	1027.5	15.9	45	4	N	13	1023.8
22	Mo	4.5	20.0	0			NW	65	13:42	11.4	68	8	N	20	1015.5	16.6	72	8	WNW	26	1009.3
23	Tu	3.6	12.9	12.8			SW	50	13:05	6.1	86		SW	22	1020.0	11.6	48	6	SW	28	1021.0
24	We	3.1	13.8	0.2			WSW	44	13:53	7.5	98	8	W	15	1027.1	13.1	63	8	WSW	28	1025.1
25	Th	7.5	16.1	0			SW	33	04:58	10.7	90	7	WSW	22	1027.6	15.1	63	8	SSW	13	1026.4
26	Fr	3.2	17.5	0			E	20	10:01	10.4	97		SE	11	1028.9	17.1	49	6	SSW	9	1026.6
27	Sa	3.4	19.0	0			NNE	26	12:08	10.0	88	4	E	9	1027.8	18.8	50	1	N	15	1023.5
28	Su	7.6	22.3	0.2			NE	39	15:42	12.9	85		NE	13	1023.5	20.6	37	8	N	22	1019.1
29	Mo	11.2	19.8	0			W	72	19:44	14.1	75	8	NE	22	1015.8	19.4	55		NE	31	1010.6
30	Tu	5.2	15.8	14.2			WSW	50	11:25	10.7	99	8	WNW	24	1017.0	14.9	69	8	WSW	37	1019.2
31	We	1.0	15.1	0			SE	17	12:17	8.6	89		Calm		1026.8	14.8	49		SE	7	1024.0

Traffix Group

Traffic Engineering Report

Proposed Kindergarten Development
24 Yana Street, Swan Hill

Prepared for
Young Adventurers Early Childhood Education Services

August 2022

G32053R-01B

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Traffic Engineering Report

24 Yana Street, Swan Hill

Document Control

Our Reference: G32053R-01B

Issue No.	Type	Date	Prepared By	Approved By
A	First Issue	05/08/2022	J. Place	H. Turnbull
B	Second Issue	15/05/2022	J. Place	H. Turnbull

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1. Introduction

Traffic Group has been engaged by Young Adventurers Early Childhood Education Services to prepare a traffic engineering report for a proposed kindergarten development located at 24 Yana Street, Swan Hill.

This report provides a traffic engineering assessment of the proposal with particular attention to car parking and traffic impacts.

2. Proposal

The proposal is for a 40-place kindergarten towards the rear of the site, comprising two kinder rooms separated by central shared amenities, kitchen and staff room facilities.

The existing 40-place childcare centre will be retained on the front of the site.

There are 12 existing car spaces including one disabled space on the site, and it is proposed to increase the car parking to 23 spaces (11 new spaces). Access to all spaces will be provided by the existing crossover to Yana Street.

A copy of the development plans prepared Swanbuild Homes dated 3rd August, 2022 is attached at Appendix A to this report.

3. Existing Conditions

3.1. Subject Site

The subject site is located on the west side of Yana Street in Swan Hill as shown in the locality plan at Figure 1 below.

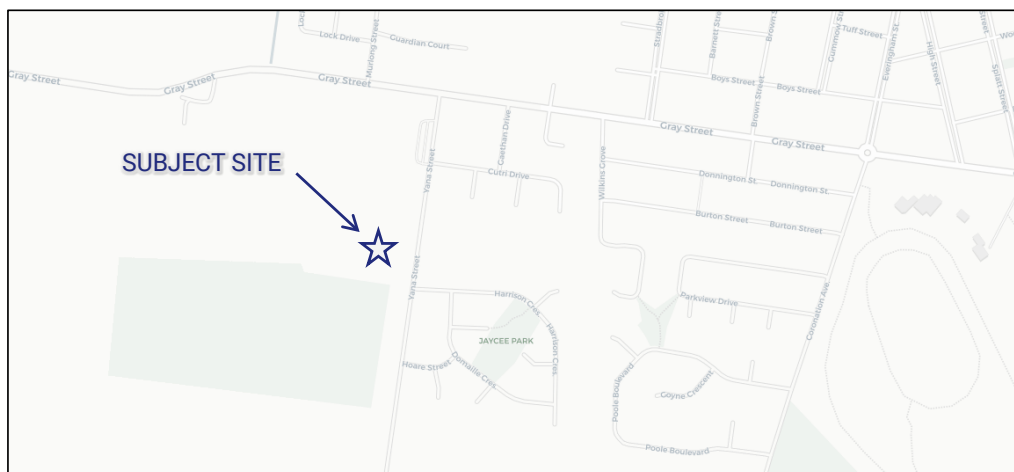


Figure 1: Locality Map

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The subject site has an area of approximately 7,810m² and a frontage to Yana Street of approximately 40m.

The site is currently occupied by a 40-place childcare centre in accordance with Permit 2014/24. A total of 12 car spaces are currently provided on the site for the existing use. Access to the site is provided via a crossover to Yana Street located along the site's northern boundary, which is separated from the adjacent crossover by bollards. There is a posted 10km/h speed limit on the existing driveway.

An aerial view of the site is shown in Figure 2 below and a site frontage photograph is shown in Figure 3.



Figure 2: Aerial View



Figure 3: Subject Site Viewed from Yana Street

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3.2. Land Use

The subject site is located within the Low Density Residential Zone (LDRZ) under the Swan Hill Planning Scheme as presented at Figure 4 below.

The site is affected by a Specific Controls Overlay – Schedule 1 (SC01), which applies the “Goulburn-Murray Water: Connections Project and Water Efficiency Project Incorporated Document” (November 2021) to the site.

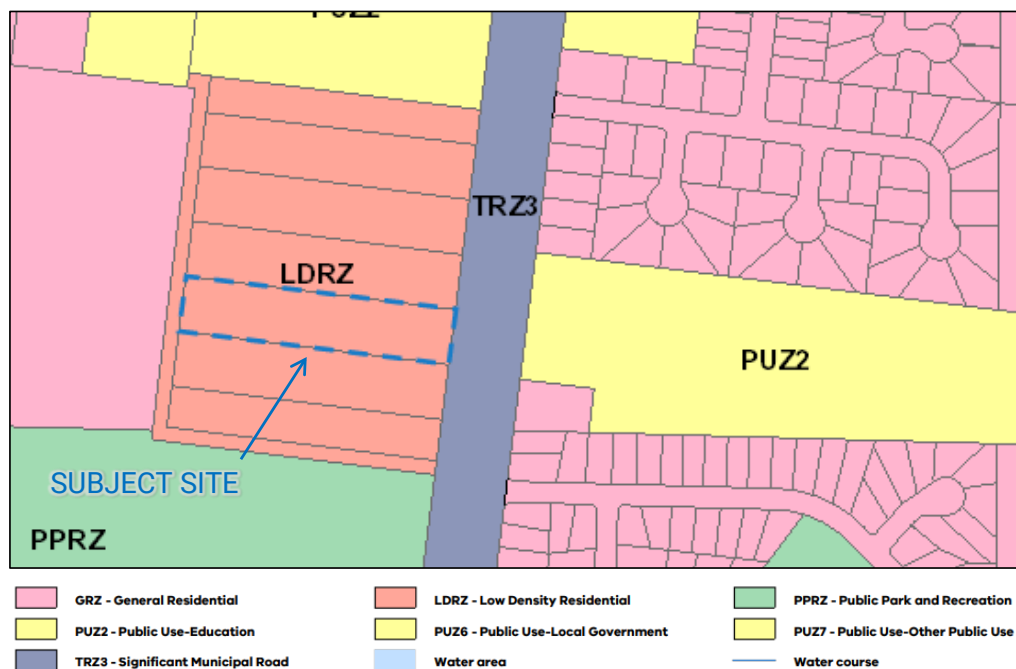


Figure 4: Land Use Zoning Map

Surrounding uses include:

- single dwellings on low density lots to the immediate north and south,
- standard density residential development on Yana Street to the northeast and southeast,
- Swan Hill Specialist School directly opposite the site to the east,
- Ken Harrison sporting complex (PPRZ) approximately 80m south of the site which provides facilities for cricket, junior football, hockey, little athletics, soccer, softball, lawn tennis and the Italian Social Club, and
- Swan Hill Primary School approximately 150m to the north on the west side of Yana Street.

Land to the west of the site is currently undeveloped but will be developed for residential use in the future (General Residential Zone).

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3.3. Road Network

Yana Street

Yana Street is a Council collector road (Transport Zone – Schedule 3) which extends approximately 1.7km in a north-south direction between Gray Street and Werril Street.

In the vicinity of the site, Yana Street is constructed with a 12m (approx.) sealed carriageway marked with one traffic lane and a kerbside parallel parking lane in each direction, within a 52m (approx.) road reservation. The carriageway is located within the eastern side of the road reservation, with the subject site property boundary off-set approximately 35m from the edge of the carriageway.

A footpath is provided on the east side and a shared path is provided on the west side of the road, offset approximately 17m from the property boundary.

The kerbside parking is unrestricted, and a posted speed limit of 40km/h applies past the site.



Figure 5: Yana Street Looking North



Figure 6: Yana Street Looking South

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3.4. Public Transport

The Swan Hill town service operates two public bus routes that circulate the northern and southern parts of Swan Hill respectively.

The two bus routes operate hourly between 8am and 6pm Monday to Friday and between 8am and 12:30pm Saturday.

Both bus routes connect to the Swan Hill Railway Station, which provides V/Line connections to Melbourne via Bendigo.

The southern bus route operates along Yana Street, with the nearest stop located approximately 80m south of the site access driveway.

A map showing the southern bus route is provided in Figure 7 below.

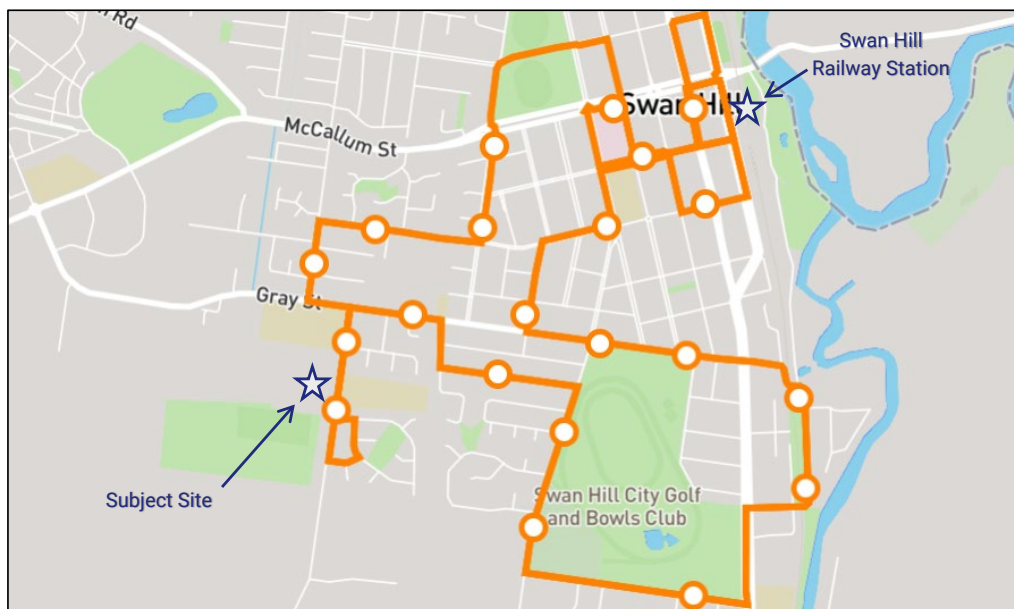


Figure 7: Public Transport Network Map – Swan Hill Southern Bus Route

The site is not located within the Principal Public Transport Network (PPTN) area.

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3.5. Existing Traffic Volumes

It is estimated that Yana Street carries approximately 1,500 vehicles per day (two-way) in the vicinity of the subject site¹, increasing to approximately 2,500vpd at its northern end adjacent to Swan Hill Primary School, immediately south of Gray Street².

4. Car Parking Assessment

4.1. Statutory Car Parking Requirement

Clause 52.06 of the planning scheme sets out the statutory requirements for car parking. The purpose of Clause 52.06 is:

- *To ensure that car parking is provided in accordance with the Municipal Planning Strategy and the Planning Policy Framework.*
- *To ensure the provision of an appropriate number of car parking spaces having regard to the demand likely to be generated, the activities on the land and the nature of the locality.*
- *To support sustainable transport alternatives to the motor car.*
- *To promote the efficient use of car parking spaces through the consolidation of car parking facilities.*
- *To ensure that car parking does not adversely affect the amenity of the locality.*
- *To ensure that the design and location of car parking is of a high standard, creates a safe environment for users and enables easy and efficient use.*

Clause 52.06-5 states that Column B car parking rates apply if:

- *Any part of the land is identified as being within the Principal Public Transport Network Area as shown on the Principal Public Transport Network Area Maps (State Government of Victoria, August 2018); or*
- *A schedule to the Parking Overlay or another provision of the planning scheme specifies that Column B applies.*

The site is not located within the PPTN and accordingly Column A rates apply.

Clause 73.03 of the Planning Scheme defines the "Child Care Centre" use as ... "*land used to care for five or more children who are not permanently resident on the land*". The "Kindergarten" land use term is nested under the broader "Child Care Centre" category.

Under the provisions of Clause 52.06, there is no separate car parking rate for a kindergarten, and accordingly the child care centre car parking rate applies, as follows:

- *0.22 spaces to each child*

¹ Swan Hill Rural City Council conducted a traffic survey on Yana Street south of Ken Harrison Reserve in November 2013 which identified an average weekday volume of 1,208vpd.

² Based on a PM Peak hour turning movement count undertaken by Swan Hill Rural City Council in November 2013 and applying a typical peak-to-daily ratio of 10% and a growth rate of 1.5% per annum.

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Clause 52.06-5 states that ... *“where an existing use is increased by the measure specified in Column C of Table 1 for that use, the car parking requirement only applies to the increase, provided the existing number of car parking spaces currently being provided in connection with the existing use is not reduced”*.

In this case, the existing 40-place childcare centre is provided with 12 spaces. Notably, the statutory requirement for the existing use is eight spaces and there is a surplus of four spaces associated with the existing use.

If we assume that the number spaces provided for the existing 40-place childcare centre is not reduced, i.e. 12 spaces continue to be available on-site for that component, then there will be an additional 11 spaces provided for the proposed new 40-place kindergarten at the rear of the site.

At a rate of 0.22 spaces per place, the kindergarten generates a statutory requirement for a total of eight³ additional spaces. The proposed increase in parking provision of 11 spaces represents a surplus in parking provision for the proposed kindergarten use.

Accordingly, the statutory car parking requirement is exceeded and a permit to reduce the statutory car parking requirement is not being sought as part of this application.

Importantly, all car parking demands associated with the existing and proposed uses will be readily accommodated on the site and there will not be any off-site parking impacts in Yana Street.

4.2. Car Parking Layout

The proposed car parking layout and access arrangements have been assessed under the relevant sections of the Planning Scheme and the relevant Australian Standards.

Key elements of the design include:

Design Standard 1 – Accessways

- The proposed accessway is at least 3 metres wide.
- A turning area has been provided so that all vehicles can exit the site in a forward direction even if all spaces are occupied.
- There are no overhead obstructions above the car spaces.
- The driveway is sufficiently wide to allow for vehicles to pass and meets the requirement of being at least 6.1m wide at the entrance.
- Adequate provision is made for visibility of pedestrians for vehicles exiting the property.

Design Standard 2 – Car Parking Spaces

- The existing car spaces are 2.6m wide and 5.6m long, accessed via a 6.3m wide aisle. Some of the new car spaces (to the west of the existing spaces) are also proposed to be provided at these same dimensions. While the statutory Clause 52.06 requirement for an access aisle is 6.4m wide for 2.6m wide spaces, the length of the spaces significantly

³ Clause 52.06-5 states that ... *“if in calculating the number of car parking spaces the result is not a whole number, the required number of car parking spaces is to be rounded down to the nearest whole number”*.

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exceeds the minimum 4.9m required. Notably, the overall length provided for the car spaces and access aisle combined exceeds the minimum statutory requirement and is appropriate.

- Each of the proposed new car spaces to the east of the existing hedge is proposed to be 2.9m wide and 5.6m long, accessed via a 7.8m wide aisle. These dimensions significantly exceed the minimum statutory requirements.
- Car Space 1 is proposed to be a DDA space. It complies with Clause 52.06-9 and AS2890.6-2009 and comprises a 5.6m x 2.6m wide space with an adjacent 5.6m x 2.4m shared area of the same dimensions.

We have checked access to the car spaces using AutoTURN. Each of the proposed car spaces is adequately accessible.

Swept path diagrams are attached at Appendix B.

Design Standard 3 – Gradients

- The site is relatively flat and no ramps are proposed.
- Gradients comply with Design Standard 3 of Clause 52.06-9 and AS/NZS2890.1-2004 and are appropriate.

We are satisfied that the proposed car parking layout arrangements are satisfactory and will work well.

5. Bicycle Parking Requirements

Statutory bicycle parking requirements are set out at Clause 52.34 of the Planning Scheme.

There is no statutory requirement to provide bicycle parking for the “childcare centre” use under the table to Clause 52.34 of the Planning Scheme.

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6. Traffic Considerations

6.1. Traffic Generation

The RTA Guide to Traffic Generating Developments (2002) (RTA Guide) sets out traffic generation rates for a range of developments, based on survey data collected in New South Wales, and is generally regarded as a standard for metropolitan development characteristics.

The RTA Guide sets out the following relevant traffic generation rates for childcare centres and kindergartens, as shown in Table 1 below.

Table 1: RTA Guide Traffic Generation Rates

Time	Child Care Centre	Kindergarten
7am – 9am	0.8 vehicle trips per child	1.4 vehicle trips per child
2:30pm – 4pm	0.3 vehicle trips per child	0.8 vehicle trips per child
4pm – 6pm	0.7 vehicle trips per child	-

Table 1 shows that kindergartens have a higher traffic generation rate per child during the AM peak. This is because kindergartens typically have set start and finish times, with a concentration of traffic around those times, while childcare centres have a more spread out drop-off and pick-up profile. Additionally, kindergartens typically fit in with school hours and don't generate any traffic during the traditional PM road network peak hour.

We note that these rates are based on centres of a comparable size to the subject site (between 25 and 60 children for the surveyed kindergartens and between 29 and 66 children for the surveyed long day care centres) and the surveys were undertaken in the Sydney region.

Traffic Group also has case study data which is more recent than the RTA data and undertaken across suburban areas in metropolitan Melbourne (averaged across 12 sites), and the following rates were identified:

- AM Peak (one hour): 0.65 vehicle trip-ends per child
- PM Peak (one hour): 0.67 vehicle trip-ends per child

Traffic Group has case study data for a 50-place kindergarten which identified the following rates, with the AM peak occurring between 8:15am and 9:15am and the PM peak occurring between 2:45pm and 3:45pm:

- AM Peak (one hour): 1.08 vehicle trip-ends per child
- PM Peak (one hour): 0.74 vehicle trip-ends per child

Notably, the kindergarten PM peak and the childcare centre PM peak will not coincide. In order to undertake a conservative analysis, the higher RTA Guide rates will be adopted for the kindergarten use, while the Traffic Group case study rates will be adopted for the childcare centre use, noting that the RTA Guide rates are spread across two-hour periods and the Traffic Group rates represent the peak one-hour.

Table 2 below sets out the expected traffic generation for the site (existing and proposed uses).

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Table 2: Traffic Generation

Use	Size	AM Peak (8am – 9am)		PM School Peak (3pm – 4pm)		PM Commuter Peak (5pm – 6pm)	
		Rate	No.	Rate	No.	Rate	No.
Childcare	40 places	0.8	32 vph	0.3	12 vph	0.7	28 vph
Kindergarten	40 places	1.4	56 vph	0.8	32 vph	-	-
TOTAL	80 places		88 vph		44 vph		28 vph

Table 2 indicates that the AM peak hour generates the highest traffic volume, when the childcare drop-off and kindergarten drop-off times coincide.

6.2. Traffic Distribution

The subject site is located towards the southern end of the Swan Hill Township, with the majority of the residential catchment located to the north and north-east.

Yana Street connects to southern parts of Swan Hill to the south of the site via Werril Street and connects to the north via the Yana Street/Gray Street intersection.

For the purpose of analysis, the following traffic distribution assumptions have been adopted:

- 20% to/from the south,
- 80% to/from the north,
- 55% entering and 45% exiting during the AM peak hour, and
- 45% entering and 55% exiting during the PM peak hours.

Based on the above traffic distribution assumptions, Figure 8 below shows the anticipated future site-generated peak hour turning movements.

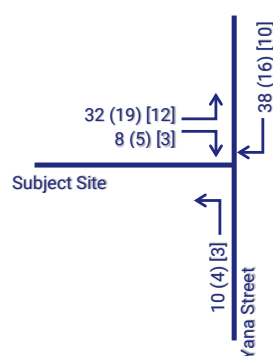


Figure 8: AM (School PM) [Commuter PM] Peak Hour Turning Movements

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6.3. Traffic Impact

Not all traffic shown in Figure 8 is new traffic on the road network. The site already operates as a 40-place childcare centre.

New traffic generated by the proposed 40-place kindergarten is expected to be in the order of 56 vehicle trips during the AM peak drop-off period (30 entering and 26 exiting) and 32 vehicle trips during the PM peak pick-up period (15 entering and 17 exiting).

Additionally, the site is co-located nearby to schools on Yana Street including Swan Hill Primary School located only 200m to the north which accommodates close to 500 students. Kindergartens typically operate with session times that closely align with school pick-up and drop-off times, and there is likely to be some trip savings by co-locating the proposed kindergarten close to the primary school, with parents able to drop off and pick up kindergarten students at the same time as their older school-aged siblings, minimising any additional traffic impacts in Yana Street from the proposed kindergarten use.

Yana Street currently carries approximately 1,500 vehicles per day (two-way) in the vicinity of the subject site, increasing to approximately 2,500vpd at its northern end adjacent to Swan Hill Primary School. It is classified as a Collector Road and is within a Transport Zone (TRZ3). Clause 56.06-8 of the Swan Hill Planning Scheme specifies an indicative target traffic volume of 3,000vpd for a Level 1 Connector, while the Infrastructure Design Manual (IDM) specifies a traffic volume range of 2,500 – 6,000vpd for a Level 1 Connector.

Even if all kindergarten students were separately driven to the site (no car sharing, walking or public transport use) and none had school aged siblings attending the nearby primary school, the two-way daily traffic volume on Yana Street would still remain well within the environmental capacity of a connector street.

Accordingly, we are satisfied that the proposed development can be accommodated on the surrounding road network and intersections without any adverse impacts.

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7. Loading & Waste Collection

Clause 65 of the Planning Scheme states:-

"Before deciding on an application or approval of a plan, the responsible authority must consider, as appropriate:

- The adequacy of loading and unloading facilities and any associated amenity, traffic flow and road safety impacts."*

Loading activities associated with deliveries to a kindergarten will be infrequent and are anticipated to be undertaken by cars or vans which can readily use the on-site car parking. Importantly, the site will not be accessed by trucks and therefore there is no need to restrict delivery times.

Car spaces 15 – 23 are wider and longer than standard spaces and are accessed via a wide aisle. These spaces would be best suited for use for deliveries.

We understand that waste collection for the existing childcare centre currently occurs on-street with the use of wheelie bins, and that waste collection for the proposed kindergarten will also occur on-street in accordance with the existing arrangements.

Accordingly, a waste collection vehicle will not need to enter the site.

Having regard to the above, we are satisfied that loading and waste collection can be suitably accommodated for the proposed development without any adverse amenity, traffic flow or road safety impacts.

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8. Conclusions

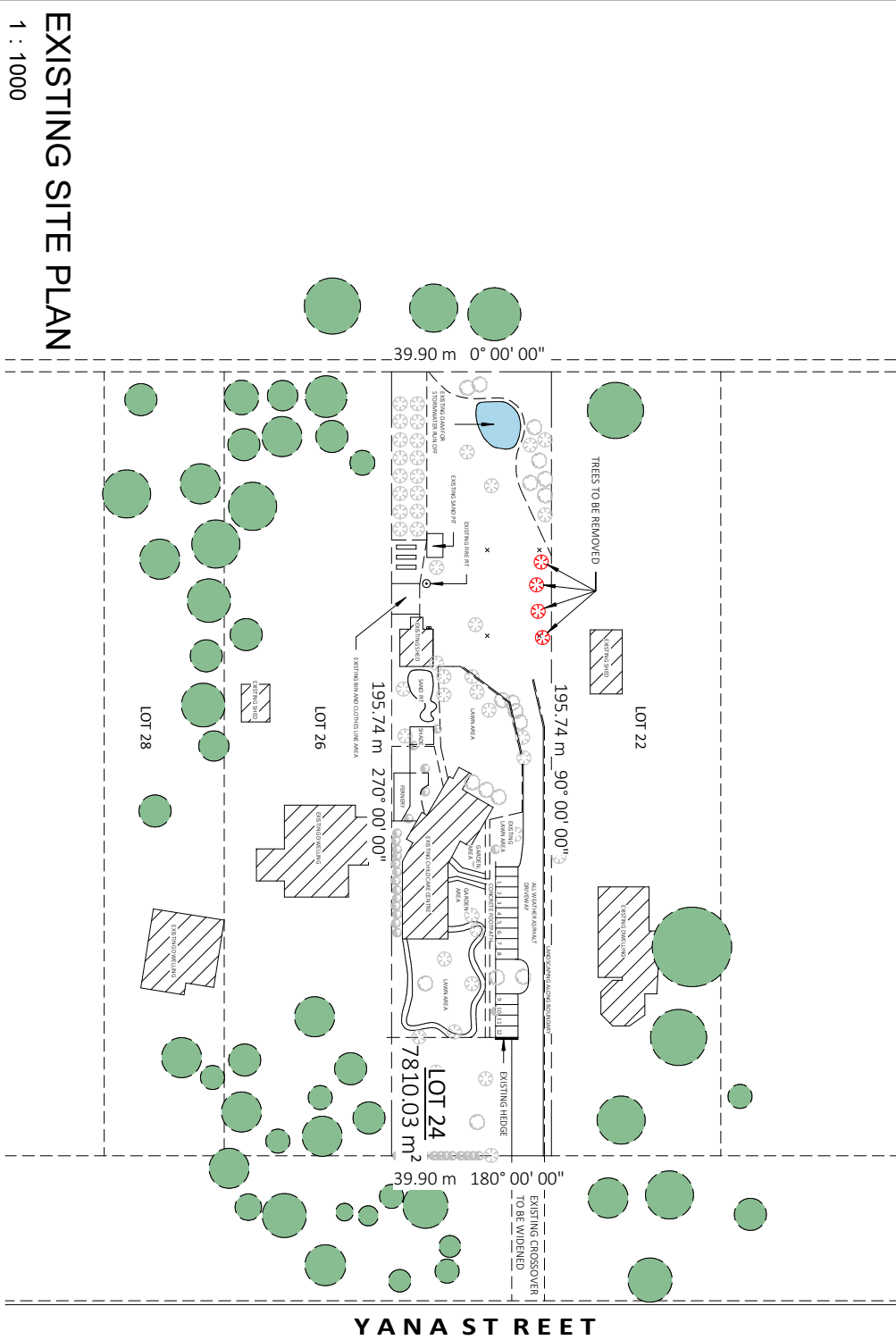
Having undertaken a traffic engineering assessment of the proposed kindergarten development at 24 Yana Street, Swan Hill, we are of the opinion that:

- a) the car parking provision exceeds the statutory car parking requirements and there will not be any adverse off-site parking impacts,
- b) the proposed car space dimensions are generally in accordance with the relevant requirements of Clause 52.06 of the Planning Scheme and importantly will work well,
- c) there is no statutory requirement under the provisions of Clause 52.34 to provide any formal bicycle parking on the site,
- d) the level of traffic generated by the proposed development can be accommodated on the surrounding road network and intersections without any adverse impacts,
- e) adequate provision is made for waste collection and deliveries, and
- f) there are no traffic engineering reasons why a planning permit for the proposed kindergarten development at 24 Yana Street, Swan Hill should not be granted.



Appendix A

Development Plan



EXISTING SITE PLAN
1 : 1000

1 : 1000



Svanbuild

HOMES

Head Office & Factory:
212-214 Karrilee Street,
Swan Hill VIC 3585
Phone
03 5036 0000 or
1800 008 024
Lic:
Vic DB-U3234, N.S.W. 89320
ABN:
64 753 985 826
@ Swanbuild

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DESCRIPTION	DATE	ISSUED
Project: PROPOSED NEW KINDERGARTEN		
Series: CUSTOM		
Scale: 1 : 1000	Client Manager:	
Drawn M J	Project Manager:	
Client Approval		
	Revision:	3/08/2022 2:50:38 PM
	Project No. -	02 OF 08
	Sheet No.	

BIM 360://Hartshorn Marg & Scott/Young Adventures Early Childhood Services Trust.rvt

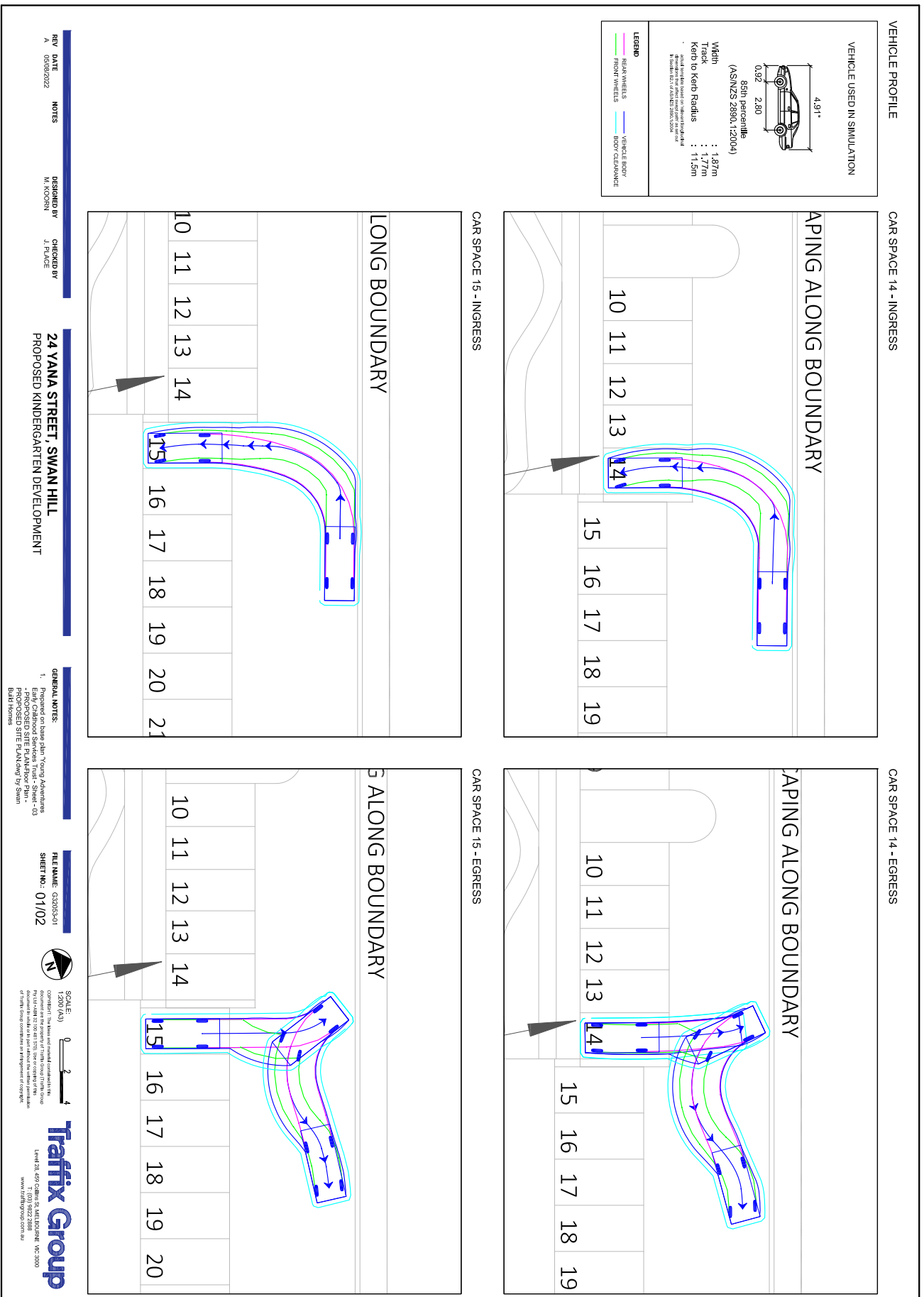
PLANNING DRAWINGS (NOT FOR CONSTRUCTION)





Appendix B

Swept Path Diagrams





Objection to a Planning Permit

Note: A petition is considered as one objection under Section 57(3), (4a) and (4b) of the Planning and Environment Act 1987. The first person listed will receive correspondence from Council unless another contact is specifically provided.

Who is objecting?

Name: Adrian Power

Address: 22 Yana Street SWAN HILL 3585 VIC

Phone:

Email:

What application do you object to?

Permit application No: PLN2022083

Address of proposed permit: 24 Yana Street Swan Hill VIC 3585

What is proposed: Development of a Kindergarten associated with an existing Child Care Centre in the Low Density Residential Zone

The Objection:

Reasons for your objection

I object to this application for the following reasons:

Refer handwritten objection

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

How will you be affected by the grant of this permit?

Signed: ADRIAN POWER

Date: 05/10/2022

Important notes over page

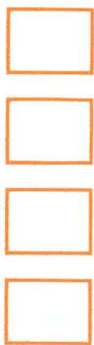
Important notes about objections to permit applications

1. This form is to help you make an objection to an application in a way which complies with the Planning and Environment Act 1987, and which can be readily understood by the Responsible Authority. There is no requirement under the Act that you use any particular form.
2. Make sure you clearly understand what is proposed before you make an objection. You should inspect the application at the Responsible Authority's office.
3. To make an objection you should clearly complete the details on this form and lodge it with the Responsible Authority as shown on the Public Notice - Application for Planning Permit.
4. An objection must:
 - (a) State the reasons for your objection, and
 - (b) State how you would be affected if a permit is granted.
5. The Responsible Authority may reject an application which it considers has been made primarily to secure or maintain a direct or indirect commercial advantage for the objector. In this case, the Act applies as if the objection had not been made.
6. Any person may inspect an objection during office hours.
7. If your objection related to an effect on property other than at your address as shown on this form, give details of that property and of your interest in it.
8. To ensure the Responsible Authority considers your objection, make sure that the Authority received it by the date shown in the notice you were sent, or which you saw in a newspaper, or on the site.
9. If you object before the Responsible Authority makes a decision, the Authority will tell you its decision.
10. If despite your objection the Responsible Authority decided to grant the permit, you can appeal against the decision. Details of the appeal procedures are set out on the back of the Notice of Decision which you will receive. An appeal must be made on a prescribed form (obtainable from the Victorian Civil and Administrative Tribunal) and accompanied by the prescribed fee. A copy must be given to the Responsible Authority. The closing date for appeals is 28 days of the Responsible Authority giving notice of its decision.
11. If the Responsible Authority refuses the application, the applicant can also appeal. The provisions are set out on the Refusal of Planning Application which will be issued at that time.

PLANNING DEPT.

OBJECTION TO YANA ST. CHILDCARE

Received 4/10/22
4:58pm



Adrian Power

FORIAN POWER OBJECTION TO CHILDCARE EXTENTION.
YANA ST.

I am objecting on the case that was passed last time and the owner did not do what they were told

1. Storm water is not satisfactory as it floods me out every time it rains. I have shown SAYEED the engineer photos of the area and the reason. The area against my fence should be guttered with cement and piped down to the dam down the back. This dam has never had water in it. It will be worse if this goes ahead with more carparks.

2. Acoustic fence what is there now is not acoustic it is only colourbond. They should be made but MODULAR WALL ACOUSTIC PANEL all round as LITTLE SWANS were made to install.

3. Need for childcare. The owner has not mentioned the childcare centre opposite Parkway 70-80 spots. She was on radio saying the new one down near TOYOTA will be coming along soon (100 spots.)

4. Mr Liston inspected this block with the last application. He was the judge from VCAT. He said it could go ahead with no more than 40 kids on this block.

5. Car parking down the back for staff has never been used or even developed. The driveway was supposed to be drive in one side and out the other side (2 drives) as LITTLE SWANS had to do.

6. How was the existing childcare passed by the responsible authority with no nappie change area. He also admitted to me he forgot to check the inside plaster is acoustic which we were told is not.

7. Mr Liston also said definitely, no rumble strips or speed humps, which they installed later.

8. The separation bollards on the driveway had to be put in by me, while Mrs Kortshorn was running around taking photos of me and my grandson doing it.

9. We have heard the reason for childcare numbers is there is a shortage of staff, so where is this centre going to get staff.

10. There already is 2 kindergartens in Gray St no need for more in the area.

11. The Traffic here is terrible as you can sit at the intersection of YANA and GRAY ST for 10 minutes to get around the corner at about 9 in the morning on school days. It is only going to get worse when the development in YANA ST opens up.

So we definitely don't want this to go ahead for some money hungry person to spoil our lifestyle. All teachers should be made park on the property not out the front as they do now.

Hope this is sufficient to convince all concerned to stop it.

Adrian Power



Objection to a Planning Permit

Note: A petition is considered as one objection under Section 57(3), (4a) and (4b) of the Planning and Environment Act 1987. The first person listed will receive correspondence from Council unless another contact is specifically provided.

Who is objecting?

Name: Michelle Donnan

Address: 26 Yana Street SWAN HILL 3585 VIC

Phone:

Email:

What application do you object to?

Permit application No: PLN2022083

Address of proposed permit: 24 Yana Street Swan Hill VIC 3585

What is proposed: Development of a Kindergarten associated with an existing Child Care Centre in the Low Density Residential Zone

The Objection:

Reasons for your objection

I object to this application for the following reasons:

Refer document attached

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

How will you be affected by the grant of this permit?

Signed: MICHELLE DONNAN

Date: 03/10/2022

Important notes over page

Important notes about objections to permit applications

1. This form is to help you make an objection to an application in a way which complies with the Planning and Environment Act 1987, and which can be readily understood by the Responsible Authority. There is no requirement under the Act that you use any particular form.
2. Make sure you clearly understand what is proposed before you make an objection. You should inspect the application at the Responsible Authority's office.
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4. An objection must:
 - (a) State the reasons for your objection, and
 - (b) State how you would be affected if a permit is granted.
5. The Responsible Authority may reject an application which it considers has been made primarily to secure or maintain a direct or indirect commercial advantage for the objector. In this case, the Act applies as if the objection had not been made.
6. Any person may inspect an objection during office hours.
7. If your objection related to an effect on property other than at your address as shown on this form, give details of that property and of your interest in it.
8. To ensure the Responsible Authority considers your objection, make sure that the Authority received it by the date shown in the notice you were sent, or which you saw in a newspaper, or on the site.
9. If you object before the Responsible Authority makes a decision, the Authority will tell you its decision.
10. If despite your objection the Responsible Authority decided to grant the permit, you can appeal against the decision. Details of the appeal procedures are set out on the back of the Notice of Decision which you will receive. An appeal must be made on a prescribed form (obtainable from the Victorian Civil and Administrative Tribunal) and accompanied by the prescribed fee. A copy must be given to the Responsible Authority. The closing date for appeals is 28 days of the Responsible Authority giving notice of its decision.
11. If the Responsible Authority refuses the application, the applicant can also appeal. The provisions are set out on the Refusal of Planning Application which will be issued at that time.

Ms Tamara Broadsmith.
Planning Team Leader.
Swan Hill Rural City Council.
P.O Box 488, SWAN HILL VIC 3585.

Ms Michelle Donnan.
Frog Hollow.
26 Yana Street,
SWAN HILL VIC 3585.

3rd of October 2022.

Dear Tamara.

I am writing to you regarding the proposal to develop and use of the land at 24 Yana Street, Swan Hill as a kindergarten associated with the current Young Adventurers Child Care Centre. Permit number PLN2022083.

I am objecting to the extension of the planning permit as per the reasons below:

The existing Childcare Centre doesn't meet the acoustic expectations and conditions of the current planning permit 2014 /24 and needs to be corrected by the owner and the Responsible Authority, before a new building / planning permit is considered.

The conditions of the VCAT planning permit application 2014/24 were granted by magistrate AP Liston on the condition that there would only be maximum of 40 children at any one time on the site. The owners are now requesting to double that amount of children and staff which will increase noise animating from the site and spoiling our local environment.

The current child care facility has resulted in unacceptable amenity outcomes for us as a neighboring property owner and has impacted our lives and home dramatically.

The objection is for the following reasons.


1. The current existing noise emissions intrusion to our home have not been actively addressed and is causing unacceptable noise pollution to our home.

Due to the current color-bond fence not being high enough and having no acoustic properties at all, it actually makes the noise louder and the fence doesn't absorb any of the noise emissions. The current fence has open areas in the tin and gaps underneath the fence and is not maintained by the owner.

When working from home, I struggled with concentrating on my work, due to the noise coming from the childcare centre and I had clients asking me what all the back ground noise was during calls and visits.

We are awoken in the mornings from Monday to Friday by screaming and crying children, which are not appropriately managed by staff. The noise to our home is constant even when the children are playing in the play area installed in the dam at the back of the block, we can still hear them yelling.

The current owners fail to continue to abide by the conditions of the planning permit and keep the children and adults out of the restricted area on the south side of the child care building, which was supposed to be a fenced off as a restricted zone, as per the original plans. This area is right next to our out door area and living areas of our home and there is no current existing noise wall between the two properties.

Date Rec'd	- 5 OCT 2022	File #	PMT-PL-2022-083
Workflow	PSO	Doc #	
Codes		Security	
AW / Col			
Comments			

2.

We are not comfortable and are restricted to using our outdoor area during the week, due to the breach in our privacy and the noise. We can clearly hear every word they say, so the teachers and children would hear our conversations, if we were in our outdoor area.

Staff fail to abide by the current noise management plan and leave the crying children outside in the south area, which continues to come into our home. At times the children are screaming at the top of their voices and they are not managed by staff. The staff show no respect towards us as neighbors. At times the educators voices are louder than the screaming children.

There has been no official acoustic log done on the current existing noise levels and that needs to be done before any decisions can be made regarding extra children and noise.

2. Many amenity issues have been reported to the Responsible Authority since the opening of Young Adventurers in 2015 and have not been satisfactorily managed by the Responsible Authority. These include noise, neighborhood character, speeding of cars in the childcare driveway, child care vehicles failing to give way to children on bike path, poor storm water management, gaps in and under color-bond fence, poor maintenance of the property and gardens, no acoustic ceilings or insulation in current building, as per the approved plans, breach of privacy when working in garden, as children and teachers out of the designated play areas, children breaking off my flowering plants through the fence for mothers day and staff driving on lawns causing damage to grassed areas and parking on the nature strips / easements causing the lawn to die and erosion to the soil.

I have given up complaining as all my concerns were ignored and not actively addressed by Stefan Louw and the Responsible Authority.

Stefan's children attended Young Adventurers Child Care and Stefan failed to declare his interest in the property, during the planning permit process and was not willing to enforce the conditions of the current planning permit on the owners, due to his conflict of interest in getting care for his children. No courtesy has been shown to neighbors by the owners of the child care center in the last 7 years. Many a time I have rang the centre to ask them to move the children away from the south area of the building and the request was ignored and the noise got louder.

The property has not been maintained well except for when they are applying to the council or they are getting expected by the department. All other times the landscaped area is a mess with weeds and not maintained.

3. Car Parking.

Currently staff are parking all over the easement area out the front of my property, which doesn't fit the character of the neighborhood. They are using our driveway to do a u turn into the easement to park, which is causing damage to our driveway. The child care cars parked on the edge of the road and the easement are blocking the view of on coming traffic when coming out my driveway, which is causing an ongoing safety hazard for anyone coming out of the driveways.

All parking needs to be inside the property to allow the parents of the special school children to use the parks on Yana Street, as a drop off and pick up area.

The property at 24 Yana Street is large enough to cater for all parking of staff and parents vehicles on site and the owners have the resources and money to do more car parks.

The original permit plan conditions were supposed to be all car parking on site, however that was changed by the Responsible Authority on behalf of the owners after VCAT without notifying neighbors.

3.

The current car park doesn't have any guttering, drains or retain water and all rainfall runs under the fences. Therefore the storm water is not managed on site.

The new current car parking plans do not accommodate for staff parking. Where are the 40 staff going to park? The owners are only catering for minimum parking, however they have the space on site to cater for all parking.

There is no engineering plan on the application showing how the car park is going to be formed. The application is incomplete, as there have been no design considerations given to cars reversing out of parking spots into traffic, water drainage, gutters and channeling to direct the storm water to the drains and the cars parking and looking directly into neighboring properties.

If the permit is considered the car parking needs to be across the front of the block behind the hedge with an entry and exit driveway.

The owners need to consider it is a long walk for some people from the front of the block to the back of the block and this needs to be considered when looking at the current facility plans.

The Landscaping Plan (4) has 21 car parks and the Design Plan (2) has 23 car parks, which one is correct?

4. Storm Water.

All storm water should be retained on site and be the responsibility of the property owner.

There is currently no flow of storm water and the storm water is not managed on site.

The current storm water management plan doesn't work, as the dam that is supposed to collect all storm water is up hill from the car park and has never had any storm water in it in the last 7 years.

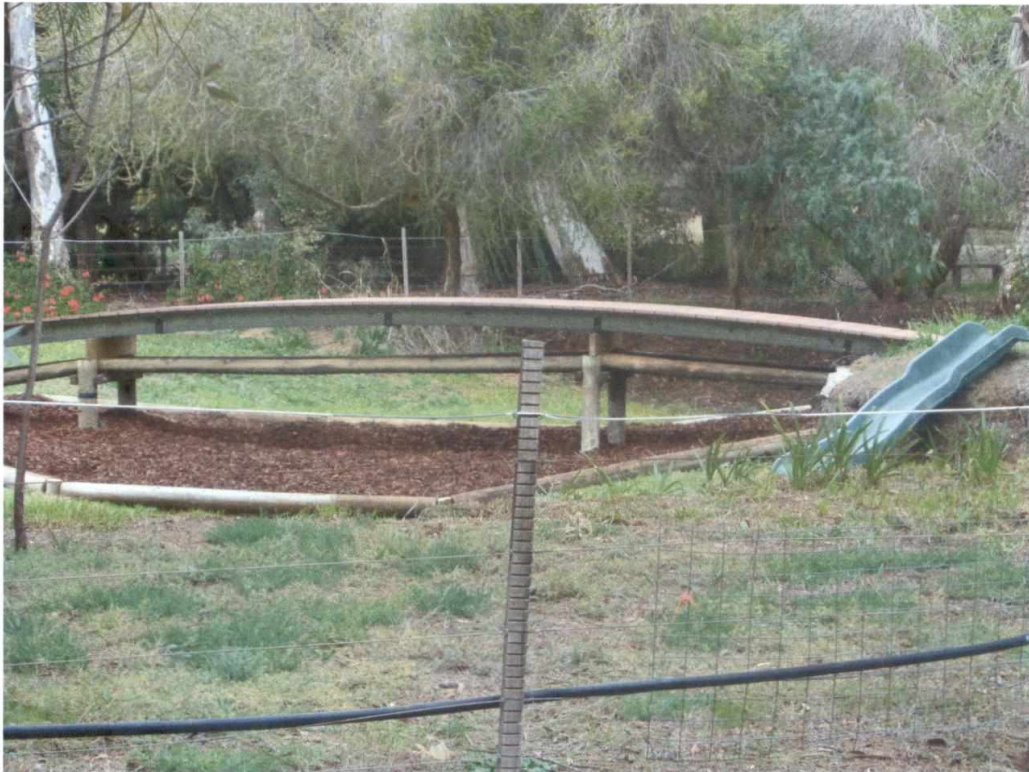
The acoustic report states that there is a ground elevation toward the back of the block (2.4)

The storm water currently runs under the fences, as there is no curb and channeling to the current car park and the extra water pools on the back lawn.



Stagnant pooled water on that back lawn encourages breeding of mosquitoes and due to the properties having irrigation water the mosquitoes are already bad in the neighborhood.

4.



The dam is currently used as a play area for children, not storm water storage as per the current storm water management plan.

The car park requires water permeable paving, rather than bitumen to help absorb the water, prevent run off and manage and retain the 1 in 100 rainfall on site. The paving can also absorb traffic noise contributing to a peaceful environment.

I would like to see an outline of the storm water management plan and how the 1 in 100 rainfall is going to be managed on site, as the existing catchment area doesn't hold the storm water and the gravity fed system doesn't work. The water continues to run under the fences.

In the new planning proposal there is no storm water management plan showing the block site levels or measurements to prove that the water is going to run to the dam. All water needs to be directed into storm water drains or pumped from the property into drains.

Most of the current gardens are the original gardens that were at the property when the property was purchased by Hartshorn's. They were not set up as rain gardens and the water runs under the fences into the neighboring properties and the water is not retained in the gardens on site.

5.



The front easement pools water already next to the bike path and is an occupational health and safety risk to pedestrians and bike riders. The current driveway has no drainage pits so the water lies on the edge of the roads. The staff cars driving on the easement when it is wet leave ditches in the ground and dig up all the grass.

5. Fencing.

All play areas, including the existing play areas require a 2.4 modular wall acoustic fence, sitting on a concrete plinth to contain and absorb the sound waves of the current uncontrolled noise. The concrete plinth will prevent any gaps underneath the fence and stop the noise from escaping.

The current pool fencing and color-bond fence doesn't stop any noise or provide any acoustic properties. The current color-bond fence is uneven and has gaps in the tin sheeting and under the fence, defeating the purpose of why it was put there.



6.

Any fencing along the boundary fencing is going to cause unacceptable visual impacts to our property and shade the current flower beds. However, if the second permit is granted, I am requesting 3 meter modular wall acoustic fencing on a cement plinth all along my boundary fence from front the of the block to the back fence as per the original VCAT plans, as one of the conditions.

This will help with our privacy when out in our garden and keep the noise inside 24 Yana Street, and not in our yard or home. The current noise causes us ongoing stress and is not good for our mental health.

6. Traffic.

Unlike Melbourne most people have cars in Swan Hill.

Currently peak hour traffic in Yana Street has increased dramatically and the corner of Gray Street is getting to the stage where traffic lights are needed.

Once the Southview Estate subdivision is opened up, there will be a huge increase in traffic volume on Yana Street.

The special school continues to expand, catering for more and more children and there is limited parking already for drop off.

Due to the current traffic using Yana Street we do not want to encourage extra cars into the vicinity of the busy area. Yana and Gray Street already have two schools and two kindergartens, Neighborhood house, Ken Harrison Reserve and the childcare center all within a one kilometer radius. There are already enough facilities bringing traffic to the area. If other facilities were able to get staff they would cater for the current need.

The current new traffic report was based on a recording that was completed in 2013 in the Easter school holidays by Swan Hill Rural City Council. Therefore it was not a correct indication of the amount of traffic using Gray and Yana Street in peak times. Many houses have been built and Dead Horse Lane has been sealed since then and more cars are now using Yana Street.

Before the proposed permit can be considered there needs to be a private traffic count of vehicles at peak times in Gray and Yana Street not in school holidays. The traffic intensity has not been addressed in the application. The road is wide enough to manage the traffic, however the delays of getting around Gray Street corner with school crossings and buses needs to be considered. Sometimes you can sit waiting to turn at Gray Street corner for at least 10 minutes.

The current kindergarten plan requires an entry and exit driveway in and out of the property. Currently the cars are pulling over and backing up to let other cars out, which is an occupational health and safety risk for pedestrians and bike users on the bike path. The extra exit driveway will stop congestion of the traffic and all cars will be moving in a forward flowing direction at all times.

Many of the childcare parents speed in the driveway going a lot faster than 10 kms an hour and have to slam on the brakes for the speed humps that were put there by the owners. The drivers fail to give way to pedestrians and people on bikes.

7.

7. Character of the neighborhood.

The current child care doesn't fit the character of the neighborhood and has resulted in significant noise disturbances to neighbors.



Young Adventures staff are parking illegally all over the easements trying to find shade for their cars where there is plenty of room on site to cater for staff car parking.

There is already enough facilities in the area for kindergarten children. (2 facilities in Gray Street)

Toys and rubbish are continually being thrown into our yard over the current fence from play areas.

Young Adventurers is not ideally positioned as per Marg Hartshorn's statement. It has ruined what was a friendly beautiful relaxing home environment of 7 – 2 acre residential properties.

The Young Adventurers staff cars are currently using our driveway to come in and drive on the grass to park. This is causing ridges and holes in our driveway. All the grass has died where they are parking on the grassed easement.

Please see pictures on the next page, of the damage the staff cars have done to the easement out the front of the childcare centre.

8.



The gardens at the front are normally unmaintained and the owners fail to respect the neighborhood.

8. Current Need.

There is insufficient evidence to make conclusive findings in respect of need.

The need is currently caused by lack of staff rather than child care facility vacancies.

North Kindergarten is only opened two days a week, due to not being able to get staff. Swan Hill Child Care Centre in Logan Street and Good Start Early Learning in Pritchard Street currently have vacancies, however they are unable to fill the vacancies, due to the lack of qualified staff.

Montessori Child Care in Beveridge Street is due to open up in early 2023 and will cater for the current need of families on the waiting lists.

Demand is not a planning issue and should not be considered when making a decision on the current proposal.

9. Acoustic report.

The new acoustic report is similarly worded to the old acoustic report from 2014 and is only a guide not an actual acoustic report.

The goal is to protect the neighbors from noise. Therefore a modular wall acoustic fencing should be erected around all play areas and the boundary fences.

Staff fail to abide to the current noise management plan and show no respect for the adjoining neighbors living environment.

The current noise emissions are not managed properly by the owners as the color-bond fences are not maintained and have gaps in them.

The current noise from the childcare center has not been taken into consideration in the new new acoustic report.

Staff appear to be not adequately trained in noise management and fail to control the level of their own voices at times. The staff do not take crying children inside the leave them outside crying and noise management is ignored.

9.

Past reported noise problems have not been resolved by the Responsible Authority and the Responsible Authority was unable to get any proof from the owners, that the current color-bond fence has any acoustic properties. It is just a normal color-bond fence and the ongoing noise problems have just been ignored by the Responsible Authority and the owners.

As per the acoustic report quite or passive activities don't happen most of the time it is normally children yelling. Currently children are outside more hours than what is on the acoustic report. There is about 7 hours of children outside play per day.

My question regarding the noise logging is was the owners aware of the dates of noise logging taking place? In the past when things like that have been completed the owners have kept the children inside, so there is limited noise emissions. A spontaneous noise log needs to be attended when the owners are not made aware.

The council only need to visit the neighborhood properties to be exposed to the noise that is coming from childcare center at 24 Yana Street Swan Hill.

10. New building.

There is no mention of acoustic plaster, acoustic insulation for walls and ceiling in the current new building and the roof should be tiles to keep the noise emissions from the children contained in the building.

The pool fencing and color-bond fencing are unacceptable as they do not retain any of the noise. All play areas and boundary fencing require a modular wall acoustic fencing on a cement plinth at least 2.4 to 3 meters high.

11. Maintenance of Property.

The property is not maintained well by the business owners.

"Yes" a massive working bee has taken place in the last month to clean up the site, as they are applying for a planning permit. However once the decision is made on their application, the site will return back to not being managed.

There are rabbit holes in the dam bank and the long grass is an ideal breeding area for snakes.

I have untrimmed trees and shrubs from 24 Yana Street hanging over the color-bond fence which is shading all my flower beds and I am unable to get things to grow, as it is too shaded. I shouldn't have to pay someone to maintain the child care business garden and pay to remove the garden waste.

Please note that the pictures on the next page were taken before the property was cleaned up in the last month and this is how the business site is managed during the year.

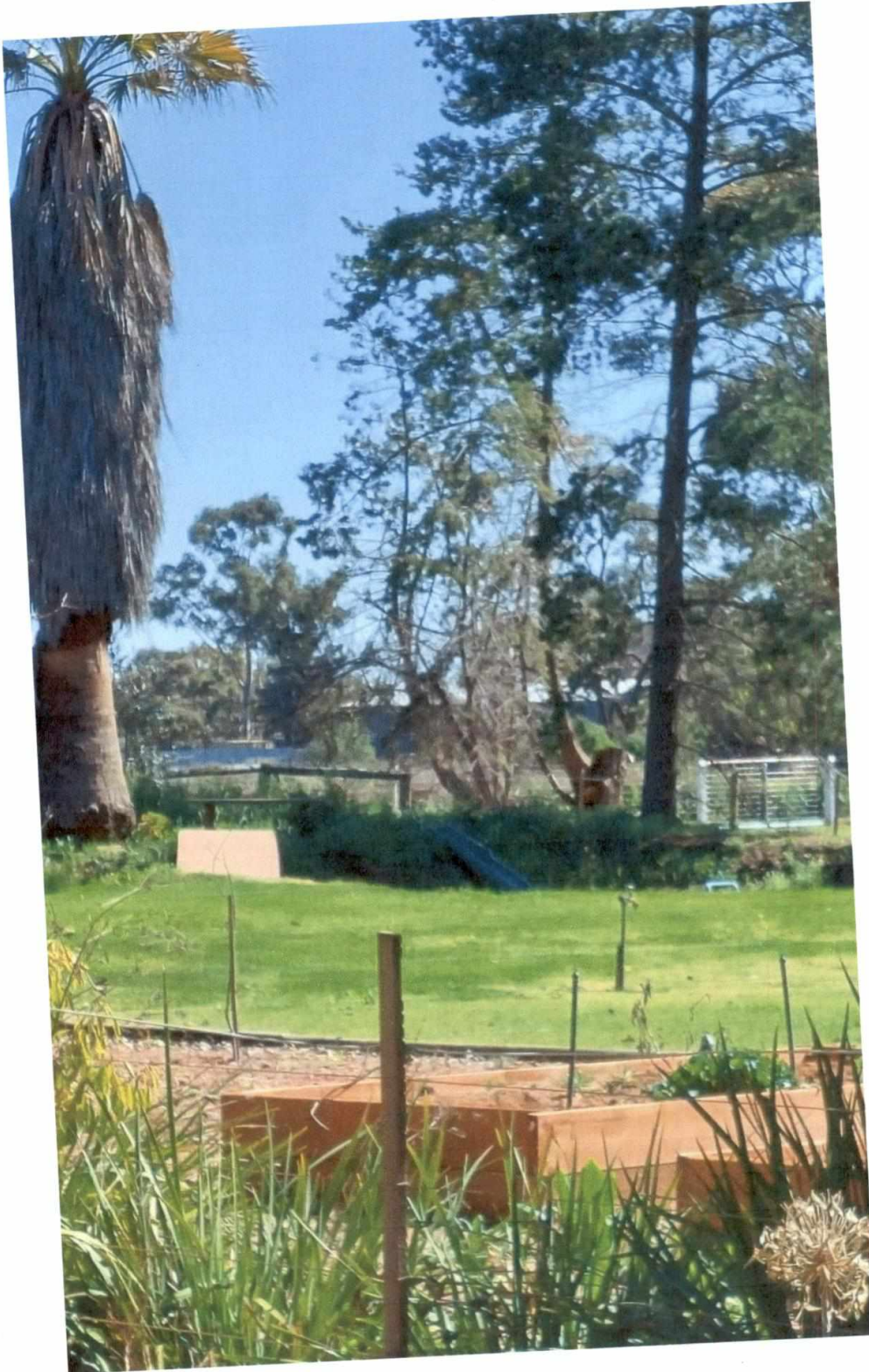
10.



1).



12.



13.

In conclusion, before the application for the new planning permit is considered there are conditions from the previous permit that need to be completed and confirmed by the Responsible Authority.

I am objecting to the new planning permit for the reasons below.

40 children is enough on such a small site between neighbors and Judge Liston made a ruling of 40 children maximum on site.

There will be extra noise, if the permit is granted as the current fencing is not acoustic.

There will be extra traffic to the site and extra traffic intensity to the area.

The current noise has dramatically effected our personal living environment and has stopped us from comfortably using our out door area for entertainment, due to the breach in privacy and noise.

The staff do not abide to the current noise management plan and have no respect for the adjoining neighbors.

The owner has failed to follow up our concerns in the past when the Responsible Authority have given them deadlines to complete things.

The current noise from the childcare has impeded our home and has caused us stress and that is not good for our mental health.

We want to be able to enjoy what we have left of our 2 acre space.

There is a current need for childcare educators rather than a kindergarten and there is a new childcare centre opening soon in Beveridge Street Swan Hill, that will cater for the current need.

There is already 2 kindergartens in Gray Street Swan Hill, less than a kilometer away from Young Adventurers Child Care Centre.

The block purchased in Campbell Street will be an ideal position for a kindergarten, as there are no residential homes near the site and there is plenty of room to cater for all car parking on site.

Please consider my reasons for objection to the application for a kindergarten at 24 Yana Street Swan Hill.

Happy to discuss further at any time, if needed.

Yours Sincerely.



Michelle Donnan.

PLN2022083 - Response to objections

Two objections were received from neighbours immediately adjacent to the site. Key issues raised may be summarised as:

- *Noise (and the need for acoustic fencing).*
- *Need / Demand for kindergarten services*
- *Stormwater Management*
- *Traffic and Car Parking*

Many of the issues raised related to a previous application on the site which has now been approved and constructed to Council's satisfaction. We are advised by our client that all conditions relating to the previous approval have been adhered too. Further, in satisfying conditions of the previous planning approval, both Council and adjoining owners have been consulted.

In considering this application, we would suggest that Council distinguish between issues relating to compliance and issues relating to the application before it for consideration. To assist, we provide the response below.

Objector - 22 Yana St

No	Issue	Response
1	Stormwater – impact on property, existing stormwater system not sufficient. Stormwater detention dam never full.	Through the course of this application, we have commissioned a Stormwater Management Plan which proposes a series of measures to manage stormwater associated with the proposed new building. Further, we have photographic evidence of the stormwater detention dam before and after rain. Water clearly flows to this dam. There are no grounds to suggest that the dam doesn't function as suggested.
2	Acoustic fence, fence materiality	An acoustic assessment informed the application. The existing acoustic fence was constructed to Council's satisfaction. These issues relate to the previous permit and are not relevant to this application.
3	Need for childcare/kindergarten	There is an undisputed need for additional childcare / kindergarten services in Swan Hill. These issues are well known and have been widely reported within Parliament and the local media. My client also has first-hand evidence through the records and waiting lists. If required, we would be pleased to provide Council with a current waiting list.
4	Maximum Capacity	There is nothing restricting an application to extend the capacity of the centre. As discussed through the application documents, the construction of another building towards the rear of the property carries a number of operational advantages. The location is also superior in reducing the potential for adverse amenity issues on surrounding land.
5	Car Parking / Driveways	Existing car parking has been constructed as per the endorsed plan. It is proposed to adjust the car parking in accordance with the advice of our Traffic Engineer. The Traffic Assessment provided with the proposal provides the strategic justification for the proposed car parking numbers and configuration.

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6	Nappy change facilities	These issues relate to the previous permit and are not relevant to this application.
7	Rumble strips / speed humps	These issues relate to the previous permit and are not relevant to this application.
8	Separation bollards	These issues relate to the previous permit and are not relevant to this application.
9	Staffing	Not a relevant planning consideration.
10	Need for kindergarten	As per response to issue 3.
11	Traffic	<p>The Traffic Assessment provides the strategic justification for the proposed traffic generation and traffic movements to and from the site. There is an existing childcare centre on the site generating vehicle trips. We fail to see how this proposal would worsen the situation on the surrounding road network to a point where this application would be restricted or refused.</p> <p><i>Please also be aware that the nearby Specialist school are currently undertaking renovations. The availability of car parking within the locality is less than usual.</i></p>

Objector - 26 Yana St

No	Issue	Response
1	Acoustic fence, materiality, impact of noise on neighbour.	<p>An acoustic assessment informed the application. This included the installation of noise logs. The report recommendations have been followed in preparing this proposal.</p> <p>Issues relating to existing fence construction relate to the previous permit and are not relevant to this application.</p>
2	Compliance with previous permit conditions	All previous permit has been complied with. Issues are not relevant to this application.
3	Car parking	All car parking is to be provided on the site and is informed by a car parking demand assessment. 23 car parks are proposed. The Traffic Assessment provided with the proposal provides the strategic justification for the proposed car parking numbers and configuration.
4	Stormwater Management	<p>Through the course of this application, we have commissioned a Stormwater Management Plan which proposes a series of measures to manage stormwater.</p> <p>We have photographic evidence of the stormwater detention dam before and after rain. Water clearly flows to this dam. There are no grounds to suggest that the dam doesn't function and unreasonably impact the adjacent property.</p>
5	Fencing	An acoustic assessment informed the application. This included the installation of noise logs. The existing acoustic

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Urban and Regional Planning Specialists

		fence. Issues relating to the existing acoustic fence relate to the previous permit and are not relevant to this application.
6	Traffic	The Traffic Assessment provides the strategic justification for the proposed traffic generation and traffic movements to and from the site. There is an existing childcare centre on the site generating vehicle trips. We fail to see how this proposal would worsen the situation on the surrounding road network to a point where this application would be restricted or refused.
7	Staff car parking	All car parking is to be provided on the site and is informed by a car parking demand assessment. 23 car parks are proposed.
8	Need / Demand	There is an undisputed need for additional childcare / kindergarten services in Swan Hill. These issues are well known and have been widely reported within Parliament and the local media. My client also has first-hand evidence through the records and waiting lists. If required, we would be pleased to provide Council with a current waiting list.
9	Noise	As per response to issue 5.
10	Noise	As per response to issue 5
11	Maintenance	We submit that the property is appropriately maintained.

B.23.4 COUNCILLORS EXPENSES REPORT 1 OCTOBER 2022 - 30 DECEMBER 2022

Responsible Officer: Chief Executive Officer
File Number: 00-00-00
Attachments: 1 [↓](#) Councillor Expenses table

Declarations of Interest:

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

Summary

In keeping with Council's Council Expenses Policy POL/GOV004, Councillor expenses are reported quarterly to an Ordinary Meeting of Council. Accordingly, this report presents Councillor Expenses for the period 1 October 2022 – 30 December 2022.

Discussion

The report has been prepared in accordance with the Council Expense Policy POL/GOV004.

Summarised in the document attached are figures for allowances and expenses for the Mayor and Councillors for the period of 1 October 2022 – 30 December 2022.

Consultation

Councillors have been provided with a summary report on their expenses.

Financial Implications

Financial costs are in accordance with Council's 2022/2023 Operational Budget.

Social Implications

There are no social impacts associated with this report.

Economic Implications

There are no economic impacts associated with this report.

Environmental Implications

There are no environmental impacts associated with this report.

Risk Management Implications

By adopting the recommendation, Council will not be exposed to any significant risk.

Council Plan Strategy Addressed

Leadership - Excellent management and administration.

Options

Council may choose to adopt or amend the recommendation.

Recommendation

That Council note the contents of this report, which details Councillor Expenses for the period 1 October 2022 – 30 December 2022.

4/23 Motion

MOVED Cr Jeffery

That Council note the contents of this report, which details Councillor Expenses for the period 1 October 2022 – 30 December 2022.

SECONDED Cr McKay

The Motion was put and CARRIED

Councillor Expenses for the period 1 October 2022 to 30 December 2022

Councillor	1. Allowance	2. Travel & Accommodation	3. Car Mileage	4. Information and Communication	5. Conference and Training	6. Catering / Meals	7. Misc
Cr Bill Moar	9,764.38 \$	394.55 \$	349.44 \$	219.00 \$		\$ 135.08	
Cr Les McPhee	12,756.19		\$ 801.23 \$	219.00			
Cr Ann Young	7,538.59 \$	200.43 \$	213.72 \$	73.50			
Cr Chris Jeffery	7,538.59		\$ 1,609.56				
Cr Nicole McKay	7,538.59		\$ 214.50 \$	339.82		\$ 31.90	
Cr Stuart King	9,074.01		\$ 198.00				

Definition of Expenses

1. Swan Hill Rural City Council is a Category Two Council and must set allowances within range in line with the Local Government Act 2020. An adjustment is made annually and gazetted by the Minister. Allowances must also include amount in lieu of superannuation.
2. Travel Costs include cost of flights, taxi, public transport fees, and accommodation etc associated with undertaking duties of a Councillor.
3. Car mileage includes the costs of the Council provided vehicle for the Mayor, reimbursement of private vehicle costs associated with Councilors travelling and fulfilling Council duties, and the use of Council fleet vehicles to attend Council business. Rates are set at State Public Service Levels.
4. Communication expenses include costs associated with provision of equipment, phone reimbursements and monthly telecommunications charges.
5. These include registration fees, educational/training costs and meeting expenses.
6. Catering costs associated with undertaking responsibilities of Councillor including meal reimbursements.
7. Includes carer expenses, printing, and other expenditure/reimbursements associated with responsibilities in performing Councillor role.

B.23.5 QUARTERLY REVIEW OF FINANCIAL PERFORMANCE AND FINANCIAL POSITION TO 31 DECEMBER 2022

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

Declarations of Interest:

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

Summary

A review of Council's Financial Performance (Income and Expenditure) and Financial Position (Balance Sheet) to the adopted Budget for the six months to 31 December 2022 has been conducted and the results are summarised in this report.

Discussion

A summarised Statement of Income and Expenditure and a summarised Balance Sheet for the six months ended 31 December 2022 are included with this report.

Major variations to budget as at 31 December 2022 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 budget include:

	Current Forecast Variances	
Grants Commission – Financial Assistance Grants (including Transfer from Reserve)	\$293,311	Favourable
Grants Commission – 2022 Underpayment	\$175,711	Favourable
Interest Income	\$228,000	Favourable
Other Revenue – Public Lighting Carbon Credit	\$78,185	Favourable
Employee Costs (net)	\$480,000	Favourable
WorkCover Premiums	\$43,860	Favourable
Statutory fees and fines	(\$64,000)	Unfavourable
Leisure Centre Management & Operations	(\$274,000)	Unfavourable
Livestock Exchange user fees	(\$63,000)	Unfavourable
Net Variation to 2022/23 Budget	\$898,067	Favourable

Consultation

Consultation occurred as part of the Budget preparation process.

Financial Implications

The report shows a predicted rates determination result of \$898,067 above the budgeted surplus for the 2022/23 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 six months of the year.

At this stage of the financial year we have many contracts in place with fixed costs. Service contracts due for renewal will in most cases be linked to the CPI index, which for the December quarter was at 7.8% nationally. Materials contracts in many cases are forecast to be higher than this. These increased costs will likely impact this projected surplus at year end.

Council Plan Strategy Addressed

Leadership - Excellent management and administration.

Options

Nil.

Recommendation

That Council note that the anticipated end of financial year result is \$898,067 better than the adopted budget surplus of \$101,185 at this stage.

SECTION B - REPORTS

21 February 2023

5/23 Motion

MOVED Cr Jeffery

That Council note that the anticipated end of financial year result is \$898,067 better than the adopted budget surplus of \$101,185 at this stage.

SECONDED Cr Young

The Motion was put and CARRIED

**SWAN HILL RURAL CITY COUNCIL
SUMMARISED BALANCE SHEET
AS AT 31/12/2022**

	Last Year Actual As At 30/06/2022 \$000	This Year Actual As At 31/12/2022 \$000	\$ Movement Y.T.D. \$000	Budget As At End 2022/23 \$000
CURRENT ASSETS:-				
Cash and Cash Equivalents	51,144	50,279	865	25,688
Trade & Other Receivables	3,936	16,610	(12,674)	3,566
Inventories	231	12	219	73
Other Assets	319	190	129	204
TOTAL CURRENT ASSETS	55,630	67,091	(11,461)	29,531
CURRENT LIABILITIES:-				
Trade & Other Payables	3,025	5,115	(2,090)	3,907
Trust Funds & Deposits	468	528	(60)	294
Unearned Income/Revenue	4,276	0	4,276	0
Provisions	5,016	5,095	(79)	5,620
Interest Bearing Loans & Borrowings	271	274	(3)	275
Lease Liabilities	259	259	0	78
TOTAL CURRENT LIABILITIES	13,315	11,271	2,044	10,174
NET CURRENT ASSETS	42,315	55,820	(13,505)	19,357
NON-CURRENT ASSETS:-				
Trade & Other Receivables	50	111	(61)	56
Property, Plant, Equipment & Infrastructure	571,739	572,113	(374)	538,106
Right-of-use Assets	408	408	0	131
Intangible Assets	3,840	3,840	0	3,195
TOTAL NON-CURRENT ASSETS	576,037	576,472	(435)	541,488
NON-CURRENT LIABILITIES:-				
Interest Bearing Loans & Borrowings	2,347	2,209	138	2,072
Lease Liabilities	167	167	0	63
Provisions	3,234	3,140	94	1,688
TOTAL NON-CURRENT LIABILITIES	5,748	5,516	232	3,823
TOTAL NET ASSETS	612,604	626,776	(14,172)	557,022
EQUITY:-				
Accumulated Surplus & Reserves	331,162	345,334	(14,172)	321,208
Asset Revaluation Reserve	281,442	281,442	0	235,814
TOTAL EQUITY	612,604	626,776	(14,172)	557,022

**SWAN HILL RURAL CITY COUNCIL
STATEMENT OF INCOME & EXPENDITURE
FOR THE 6 MONTHS ENDING 31/12/2022**

	Actual Year To Date 31/12/2022 \$000	Budget Year To Date 31/12/2022 \$000	\$ Variance To Budget \$000	% Variance To Budget	Original Annual Budget 2022/23 \$000	Notes
OPERATING INCOME :-						
Rates, garbage charges and marketing levy	30,502	30,763	(261)	-0.8%	30,763	
Statutory fees & fines	484	548	(64)	-11.6%	1,095	1
User fees	2,313	2,320	(7)	-0.3%	4,640	
Grants - Operating (recurrent)	2,743	5,252	(2,509)	-47.8%	10,503	2
Grants - operating (non-recurrent)	3,215	703	2,512	357.3%	1,406	3
Grants - capital (recurrent)	470	717	(247)	-34.4%	1,434	4
Grants - capital (non-recurrent)	1,647	2,655	(1,008)	-38.0%	5,310	5
Contributions - cash non recurrent	255	109	147	135.0%	217	6
Interest income	576	175	401	229.1%	350	7
Proceeds from disposal of assets	230	921	(691)	-75.0%	1,841	8
Other revenue	530	2,268	(1,738)	-76.6%	4,535	9
TOTAL INCOME	42,965	46,429	(3,464)	-7.5%	62,094	
OPERATING EXPENSES (Excluding Depreciation) :-						
Employee benefits	10,724	10,785	(61)	-0.6%	21,569	
Contract payments materials & services	9,079	8,621	459	5.3%	17,241	
Bad & doubtful debts	-	6	(6)	-100.0%	12	
Finance costs	34	35	(1)	-2.9%	70	
Other expenses	701	643	59	9.1%	1,285	
TOTAL OPERATING EXPENSES (Excl. Depn.)	20,538	20,089	450	2.2%	40,177	
OPERATING RESULT (Excl. Depn.)	22,427	26,340	(3,913)	-14.9%	21,917	
CAPITAL ITEMS :-						
Capital works/asset purchases	8,627	13,128	(4,501)	-34%	26,255	10
SURPLUS (DEFICIT) AFTER CAPITAL ITEMS	13,800	13,213	588	4%	(4,338)	
ADD FINANCING TRANSACTIONS						
Loan principal redemption	(134)	(136)	2	-1.1%	(271)	
Transfers to/from reserves	5,756	5,756	-	0.0%	4,710	
Proceeds from loans	-	-	-	0.0%	0	
TOTAL FINANCING TRANSACTIONS	5,622	5,621	2	0.0%	4,439	
BUDGET RESULT SURPLUS	19,422	18,833	589	3.1%	101	

1 The Statutory fees and fines variance relates to Parking Infringements (\$24k), Planning Permits (\$40k) and Regulatory Services Dog and Cat Registrations (\$40k) being below forecast. Animal registrations are due in April 2023. These variances are offset by a favourable increase in Engineering Design and Investigation inspection fees (\$37k).

2 Seventy five per cent of Council's 2022/23 Victoria Grants Commission allocation was received in advance in April 2022. This variance will remain for the year and is offset by increased cash holdings on the Balance Sheet and in transfers from reserves.

The full year result for the Victoria Grants Commission allocation will be \$469,022 better than forecast due to an additional \$293,311 from the indexation of our allocation in the 2023 year, and \$175,711 being the underpayment from 2022.

3 The favourable variance to budget relates to Our Region Our Rivers (\$1m) partner Council grants and Emergency Management Services (\$1.5m) flood funding received.

4 Timing issue. This Roads to Recovery grant funding will be received in full by the end of the financial year.

5 Timing issue. Project milestones are yet to be completed for a number of significant capital works projects. Refer note 10.

6 Contributions received from the L2P Program (\$50k), Sportsfields and General Reserves (user group contributions \$50k), Waste Management - Kerbside Bin Audits (\$15k) and Sealed Roads Freight Road Mapping (Gannawarra Shire \$12k) were not provided for in the original budget.

7 Interest income is favourable in comparison to the budget due to higher interest rate returns on term deposits.

8 The budget allowed for the sale of lots in Ronald Street Robinvale over the financial year. Ronald Street works are now complete and will be available for sale shortly. Proceeds from disposal of assets consists of plant item sales only to date.

9 The budget had allowed for \$3,408K of sales at Tower Hill. To date no sales have been received, however once titles have been issued, settlement of the lot sales will be completed. Other revenue received includes EPA levies (\$263k) and a one off Public Lighting carbon credit (\$78k).

10 Significant capital works projects forecast for the 2022/23 year are the Art Gallery extension, Pioneer Settlement Cultural & Tourism Hub, Swan Hill Landfill Cell construction, Robinvale Leisure Centre expansion, Ronald Street and Tower Hill developments. The majority of this variance relates to anticipated works on the Art Gallery Extension and Cultural & Tourism Hub not yet commencing and sealed roads expenditure being lower than forecast. Actual expenditure to date includes purchase of Riverfront site (Graincorp \$541k), Monash Drive Carpark (\$417k), McCallum Street Footpath (\$417k), Ken Harrison Soccer Pavilion (\$535k), Robinvale Leisure Centre expansion (\$1.08m), Swan Hill Leisure Centre Pool Equipment Renewal (\$337k), Ronald Street (\$366k) and Tower Hill (\$276k) developments.

B.23.6 COUNCIL PLAN – PROGRESS REPORT FOR THE SECOND QUARTER OF 2022/23

Responsible Officer: Director Corporate Services
File Number: S16-28-03
Attachments: 1 [↓](#) Council Plan – Progress Report December 2022

Declarations of Interest:

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

Summary

The purpose of this report is to present the Second quarter progress update of Council's performance against the Council Plan 2021-2025. The period reported is from 1 October 2022 to 31 December 2022.

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 second quarter update in relation to the actions taken and progress made to achieve these goals and strategic initiatives in the 2022/23 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:

- 1.1.2.1. Develop and build houses on Council owned property-** There has been handover of 2 properties with handover of the remaining 2 scheduled for the end of December 2022. The 4 properties will be on the market by early 2023.
- 1.1.2.2. Continue to Implement the Robinvale housing strategy -** The construction of 4 dwellings in Ronald Street is complete.
- 1.2.1.2. Develop drainage strategies for key urban areas in the municipality-** A draft advocacy document for renewable energy resources has been developed, building upon previous renewable prospectus documents. It will be refined in the new year through collaboration with the Economic Development Unit to ensure its veracity.

- 1.2.1.4. Implement effective diversion and reuse of waste resources-** A grant application has been made for the implementation of a mattress recycling process to a value of \$335k. Advice has now been received indicating that Council was successful in its application for a Mattress Processing Facility (Grant value \$167,500 with dollar for dollar contribution from Council).
- 2.1.1.3. Support effective and responsive early years education opportunities in Manangatang, Woorinen South and Swan Hill -** Reports for the Planning Early Years Infrastructure in Manangatang and Woorinen South Project have been finalised. The draft reports contain details of the community consultations and the need for a rurally cognisant model for early years infrastructure.
- 2.1.2.3. Review the Economic Development Strategy to ensure a targeted focus on key outcomes-** Council briefed on the process to review and develop a new strategy with Officers now engaged in meeting the time line outlined. Economic Development Strategy review has commenced with the first round of workshops conducted and information being gathered for review.
- 2.3.2.3. Review current assets and identify future needs - create a program to bridge the gap and identify funding requirements-** Asset Management Plan for all asset classes being progressed.
- Transport and Stormwater have been updated to be ratified by CEO and included in long term planning (delayed due to flood impact on networks)
 - Openspace AMP expected completion by FEB23.
 - Fleet AMP Expected completion APR23
- 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
- 3.1.4.2. Determine Council's role in aged care services-** 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.
- 3.2.2.2. Continue to assist to develop Our Place identifying an Aboriginal language name and business-** This work is ongoing and will be part of the planning for the new cultural and tourism hub at the Pioneer Settlement.

4.1.1.1. Invest in the development of employees to enable a highly skilled and engaged workforce- The 2022 Organisational Training Plan was approved by the Executive Leadership Team following the 2022 Staff Review Process. Training reports generated following the review process and nominated training has been arranged .Organisational Training Plan implementation has commenced.

4.2.1.1. Review our Community Engagement Strategy to ensure our engagement is meeting the needs of the community- Planning and review of 2019/22 Community Engagement Strategy has commenced.

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

2.3.1.2. Seek innovative solutions for broadband and mobile connectivity- Funding application successful for new towers to support Woorinen, Nyah, Piangil and Murray Downs.

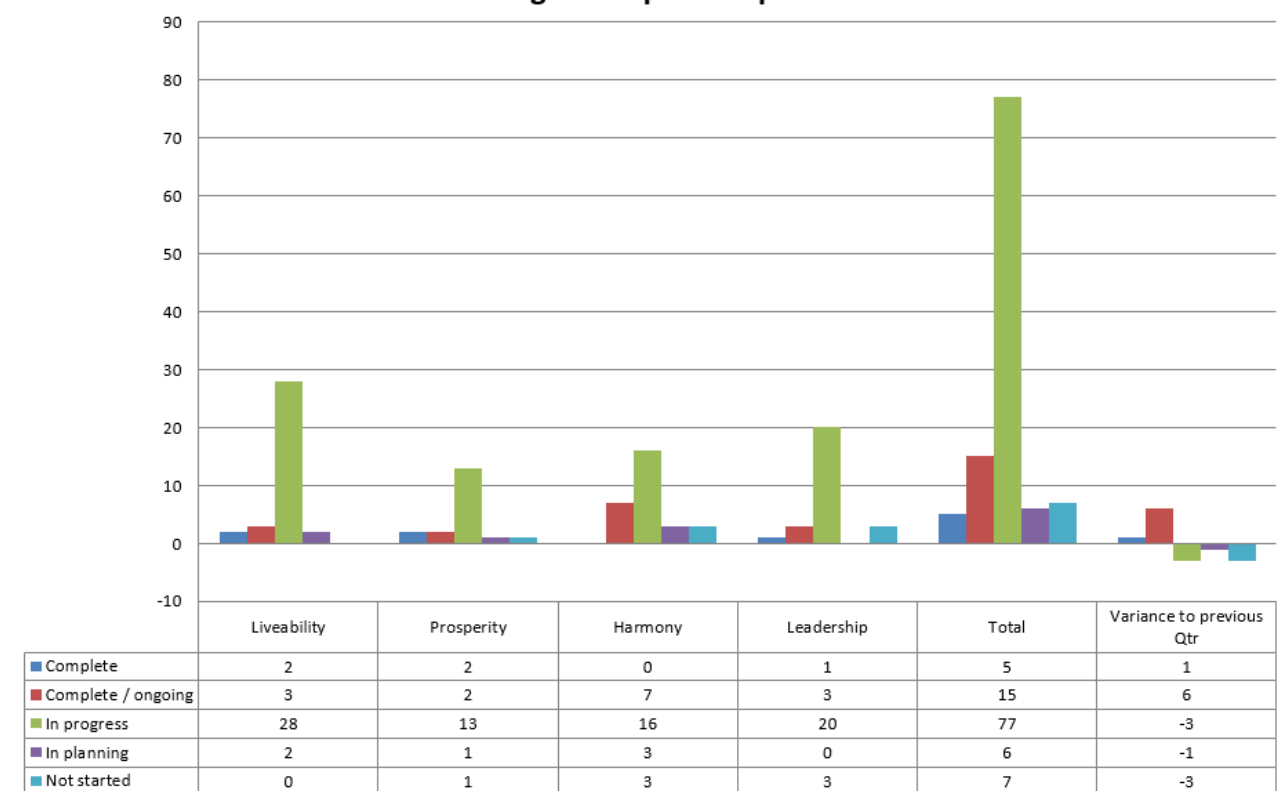
3.1.1.2. Support co-designed development of multicultural events and activities- Harmony day held on 26 march 2022. Robinvale Lantern Festival held successfully on 9 September.

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

1.1.1.2. Complete stage 1 of Vibrant Villages project- Vibrant Villages stage 1 completed. (re:\$500,000 RDV funding)

2.1.2.5. Develop an Economic recovery plan in response to Covid-19- A response plan was developed in late 2020 and will be used as background for the review of the Economic Development Strategy.

Progress Report Graph



Consultation

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

Financial Implications

This report contains no financial implications, however many of the initiatives contained within the Council Plan requires Council to allocate funds in its 2022/23 budget to implement the Council Plan.

Social Implications

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

Economic Implications

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

Environmental Implications

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

Risk Management Implications

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

Council Plan Strategy Addressed

Leadership - Transparent communication and engagement.

Options

Council may choose to adopt or amend the recommendation.

Recommendation

That Council adopt the second quarter Council Plan - Progress Report 2022/23 as presented.

6/23 Motion

MOVED Cr Jeffery

That Council adopt the second quarter Council Plan - Progress Report 2022/23 as presented.

SECONDED Cr King

The Motion was put and CARRIED

COUNCIL PLAN

PROGRESS REPORT – DECEMBER 2022



CONTENTS

Introduction	2
Overall results snapshot	3
Strategic Pillars	6
Liveability	7
Prosperity	13
Harmony	17
Leadership	24

INTRODUCTION

What is the Council Plan?

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

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

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

How we will track and measure our progress

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

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



Complete - the action has been completed.



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



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



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



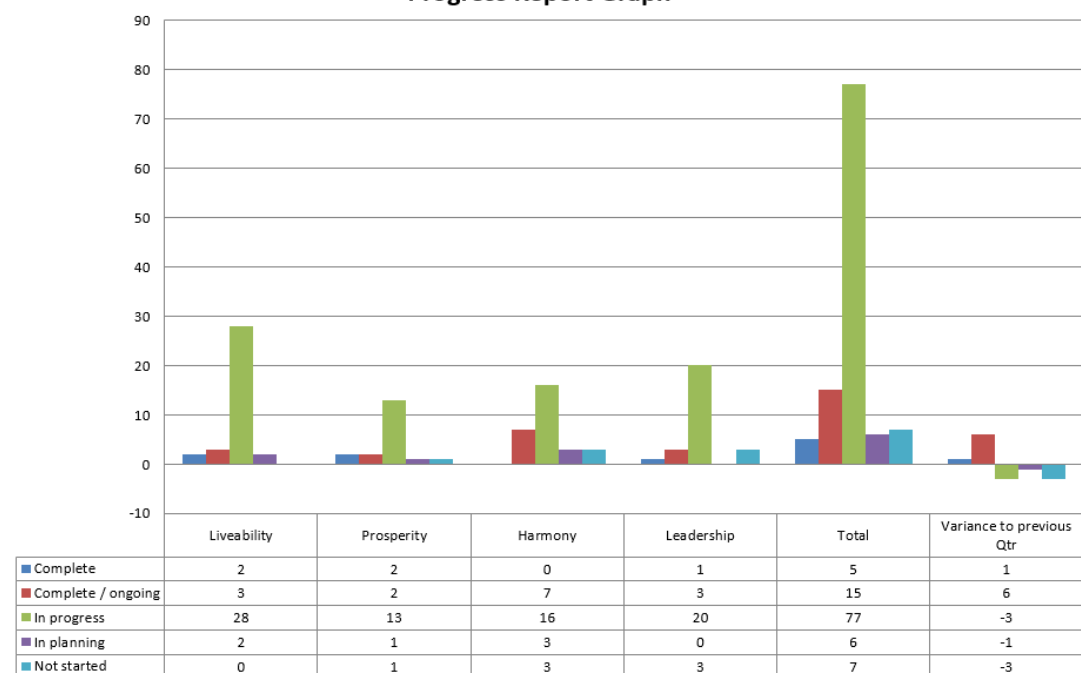
Not started - actions that have not been commenced at the time of reporting.

OVERALL RESULTS SNAPSHOT

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

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

Progress Report Graph



Council has made progress on the following:

- 1.1.2.2. Develop and build houses on Council owned property-** There has been handover of 2 properties with handover of the remaining 2 scheduled for the end of December 2022. The 4 properties will be on the market by early 2023.
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The following objectives were marked as complete and ongoing during second quarter:

2.3.1.2. Seek innovative solutions for broadband and mobile connectivity- Funding application successful for new towers to support Woorinen, Nyah, Piangil and Murray Downs.

3.1.1.2. Support co-designed development of multicultural events and activities- Harmony day held on 26 march 2022. Robinvale Lantern Festival held successfully on 9 September.

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

1.1.1.2. Complete stage 1 of Vibrant Villages project- Vibrant Villages stage 1 completed. (re:\$500,000 RDV funding) Nyah, Nyah West, Lake Boga and Woorinen.

2.1.2.5. Develop an Economic recovery plan in response to Covid-19- A response plan was developed in late 2020 and will be used as background for the review of the Economic Development Strategy.

STRATEGIC PILLARS

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

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



Liveability

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



Prosperity

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



Harmony

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



Leadership











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











Liveability








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




1.1. A modern municipality: Vibrant, connected and resilient				
STRATEGIC INITIATIVES	ACTION	DUE DATE	PROGRESS	COMMENTARY
1.1.1. Attractive urban areas and regional townships	1.1.1.1. Finalise and implement rural living / rural residential strategy	2022/23	In Progress 	A brief for additional work to complete the study is being finalised utilising the 2021 Census data.
	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 	Monash Drive Carpark / Path upgrade completed. Draft Update Landscape Masterplan Swan Hill Riverside Park - including Splash Park, Wharf and Pond upgrades completed. Irrigation works currently under construction. Clearance and site works completed former graincorp site.
	1.1.1.4. Complete and implement the Robinvale Riverfront Masterplan	2021-2025	In Progress 	Draft Robinvale Riverfront Master Plan 2022 completed including public exhibition period. Feedback provided back to Council. Draft to be adopted early 2023. Funding in the order of \$1.5m has been received to support the development new active & nature play precinct at Centenary Park. Preferred contractor engaged for skate park and cultural heritage management plan works currently underway.
	1.1.1.5. Develop Nyah Riverfront Masterplan	2021/22	In Progress 	Draft Nyah Riverfront Masterplan presented to Council at its May 2022 Meeting. Council resolved to place on public exhibition or public feedback. Masterplan to be presented back to council for approval early 2023. Funding received to support activating Nyah West community park, including new toilet facilities, stage and power upgrade.
	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.
	1.1.1.7. Develop a Small Town Strategy	2022/23	In progress 	Small Town residential land audit to be conducted in early 2023.

STRATEGIC INITIATIVES	ACTION	DUE DATE	PROGRESS	COMMENTARY
1.1.2. Ensure adequate provision of a variety of safe and secure housing	1.1.2.1. Explore the development or sale of Council and other government land in urban areas	2022/23	In Progress 	Council continues to review land ownership with a view for development or sale. For example Feldtmann Lane and development of land in Ronald Street, Robinvale for housing.
	1.1.2.2. Develop and build houses on Council owned property	2021-2025	In Progress 	Ronald Street housing project has commenced first 4 houses. There has been handover of 2 properties with handover of the remaining 2 scheduled for the end of December 2022. The 4 properties will be on the market by early 2023.
	1.1.2.3. Continue to Implement the Robinvale housing strategy	2021-2025	In Progress 	Three funded projects are underway to help in the provision of housing across the municipality. Two projects relate specifically to Robinvale - Seasonal Workers Accommodation Program and Robinvale housing Investment Strategy. The construction of 4 dwellings in Ronald Street is complete.
	1.1.2.4. Continue development of Tower Hill stages	2021-2025	In Progress 	Stage 13 released and sold as at 31 December 2021. Stage 14 construction completed, final approvals due end of January. Sales plan to be confirmed, sales to commence end of January.
	1.1.2.5. Assist South West Development Precinct developers	2021-2025	In Progress 	This is ongoing as developers require assistance.
1.1.3. Excellent transport links to allow ease of movement	1.1.3.1. Advocate for a review of the Swan Hill Town Bus route	2022/23	In Progress 	Letter has been sent to PTV and local MPs advocating for review of the Swan Hill Town bus route in light of the growth of the town and ongoing requests from the community for new bus stops. Ongoing and regular communication occurs with PTV (every two months). Response from PTV was appreciative of the request to review the current bus routes due to changing community expectations and needs, however there is limited funding available to provide a review at this stage. Representations will continue to be made to PTV, particularly as subdivision development proposals are now being received for the South West Development area.
	1.1.3.2. Advocate for the completion of the Murray Basin Rail Project	2021-2025	In Progress 	Council continues to support the Rail Freight Alliance and its work in advocating for the completion of the Murray Basin Rail Project. Council has previously signed a petition seeking additional State government funding and has acknowledged the Federal Government's contribution of a further \$200m for the completion of the project.
	1.1.3.3. Advocate for the continual improvement of the Murray Valley Highway and upgrade of the Robinvale Sea Lake Road	2021-2025	In Progress 	Recent improvements to MVH following adoption of the Central Murray Regional Transport Strategy several years ago include completion of enhancements to the Lake Charm to Lake Boga section and construction of truck stops/rest areas between Robinvale and Swan Hill. A list of possible improvements has been provided to the department of transport for inclusion in the Murray Valley Highway strategy.
	1.1.3.4. Actively participate in the Central Murray Regional Transport Forum	2021-2025	Complete and Ongoing 	The technical group of the CMRT Forum met in April 2022.
	1.1.3.5. Implement relevant actions from the CMRT strategy	2021-2025	Complete and Ongoing 	Finalised the study for A-Double access jointly with Gannawarra Shire. Received the final report with recommendation for improvements and gaps. Report needs to be presented to Council at an Assembly.

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 	When state-wide educational material is received from Sustainability Victoria, Council will review and amend existing policies and community information materials as deemed appropriate. Grant fund application for RV Household Education and Behaviour Change Fund - Round 2 has been successful (\$60,918 Ex GST) and inception meeting was held on Thurs 2 June with Sustainability Victoria. Grant fund Deed Agreement has been discussed and agreed upon and was signed on 17 June 2022. 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, awaiting on deed agreement from government for signing.
	1.2.1.2. Prepare an advocacy document for renewable energy resources in the municipality	2022/23	In Progress 	A draft advocacy document for renewable energy resources has been developed, building upon previous renewable prospectus documents. It will be refined in the new year through collaboration with the EDU to ensure its veracity.
	1.2.1.3. Develop drainage strategies for key urban areas in the municipality	2023/24	In Planning 	A brief is being prepared to engage a consultancy to prepare a city-wide drainage strategy. During the major projects budget process for 23/24 FY, Council has allocated a further \$82,000 to this project for the development of a drainage model. The drainage model will help define appropriate drainage projects to support the drainage strategy.
	1.2.1.4. Implement effective diversion and reuse of waste resources	2022/23	In Progress 	A grant application has been made for the implementation of a mattress recycling process to a value of \$355k. Council was successful in its application for a Mattress Processing Facility (Grant value \$167,500 with dollar for dollar contribution from Council). Deed of agreement still to be received and signed.
	1.2.1.5. Develop irrigation strategies for key urban areas in the municipality	2022/23	In Progress 	Strategy document under development with aim to control irrigation online. Riverside park project is expected to be completed in the next quarter. Riverside Park Irrigation Upgrade still not complete. Waiting on connection of recent power upgrade at Milloo St Pump Shed. New irrigation system currently being installed on Monash Drive opposite Pioneer Settlement. Cloud based controller units (control irrigation on phone/laptop) being installed at Showgrounds and Alan Garden Reserve sports fields. All grounds to get upgrade before end of financial year. McCallum St irrigation project completed using cloud based controller units.

STRATEGIC INITIATIVES	ACTION	DUE DATE	PROGRESS	COMMENTARY
1.2.2. Accessible open spaces and healthy rivers and lakes	1.2.2.1. Improve the presentation of the Lake Boga foreshore and its environs in collaboration with the community	2021-2025	In Progress 	An irrigation plan and cultural heritage assessment has been completed and approved for the southern end of Lake Boga (between Caravan Park and housing estates). A draft landscape master plan for this section of public land has now been completed and feedback is being sought from stakeholders within Council and the community. Consultant developed plans but no funding to deliver project. Operations Manager recently met with Officer from EDU to go over the plans that were developed for this project. Meeting again in January 2023 to discuss funding for the project and going to market to complete.
	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 Region Tourism on the Swan Hill to Nyah trail. Included the waterway trails and camping masterplan in council 10 year major project plan. (unallocated)
	1.2.2.3. Plan and construct open space development of the decommissioned Number 9 Channel	2022/23	In Progress 	<ol style="list-style-type: none"> 1. Path works complete. 2. Lighting works complete, defect rectification in progress. 3. Irrigation works in progress, expected completion by early Jan-2023 4. Landscaping works being planned with available budget, i.e. \$100,000 expected completion - Mar/April 2023

1.3. Building Healthy Communities				
STRATEGIC INITIATIVES	ACTION	DUE DATE	PROGRESS	COMMENTARY
1.3.1. Encourage active and healthy lifestyles for people of all ages, abilities and interests	1.3.1.1. Continue to implement master plans for all recreation facilities	2021-2025	In Progress 	Detailed designs for Robinvale Football Change rooms completed. Consultant awarded for the Swan Hill Sporting Hub Designs and Governance Model. Designs for Nyah Recreation Reserve Cricket Practice net completed. Woorinen Recreation Reserve Netball Court Redevelopment completed. (re:\$300,000 Sport Recreation Victoria (SRV) funding) Robinvale Recreation Reserve sports oval lighting upgrade currently underway (re:\$250,000 SRV funding) Funding application for the construction Robinvale Football Change room submitted - unsuccessful.
	1.3.1.2. Develop detailed plans for the Lake Boga - Swan Hill trail	2022/23	In Progress 	Discussions with VicTrack and V/Line are not yielding results and this requires support from a senior position.
	1.3.1.3. Support initiatives leading to better outcomes for children and families	2021-2025	In Progress 	Analytics reports provide details about the number of people accessing the Early Years Online Hub every month. In October and November 2022 there was an average of 80 people per month viewing the site The analytics reports also track "views by most popular page" and in November it was the Early Childhood Services page that was most visited. The EYOH is now on the Families and Children section of the SHRCC website.
	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.
1.3.2. Spaces where people of all ages, abilities and backgrounds can flourish	1.3.2.1. Reinvalidate performance spaces across the area, including Robinvale Community Arts Centre	2022/23	In Progress 	Fly Tower to be modified. Truss, Chain and block motors to be used to hang production equipment. First movie night has taken place. Robinvale Ballet Guild are returning to Robinvale Community Arts Centre and will be the resident community arts association. Joe Avati - Comedian scheduled to be the first performance in the theatre of Robinvale Community Arts Centre. Additional part time Venue tech has been appointed, on contract basis through procurement.
	1.3.2.2. Incorporate child and family-friendly principles into development of outdoor spaces	2022/23	In Progress 	Part of ongoing Child Safety Standards work, in conjunction with other work areas including Parks and Gardens. The revised Child Safe Standards policy and Reportable Conduct procedure were presented to Council and adopted in November 2022. New members of staff have volunteered to join the Child Safe Standards Working Group and will commence working on Standard One in January 2023.
	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				
STRATEGIC INITIATIVES	ACTION	DUE DATE	PROGRESS	COMMENTARY
1.4.1. Promote and celebrate the creative and cultural pursuits within the region	1.4.1.1 Deliver creative industries projects across the region	2022/23	In Progress 	Continuing inter LGA and interstate opportunities using the Australia's Creative Rural Economy (ACRE) Project as a vehicle. ACRE Exhibition toured to Gannawarra Shire in 2022. Currently planning for 2023.
	1.4.1.2. Support local creatives in developing their businesses (Arts Action)	2022/23	Complete and Ongoing 	Programs that support and develop local creatives including Delivery of workshops through our Public programs - Go North Arts Festival, as well as exhibitions directly targeting younger creatives such as Big Fish 5 and Standout! Other group exhibitions and workshops by arts professionals bring another level of professional development to the region. The establishment of Art Salon type gatherings for local creatives will encourage collaborations and participation in future projects.
	1.4.1.3. Enhance artistic outreach programs in smaller towns and communities, including Fairfax Youth Initiative and ACRE programs	2022/23	In Progress 	New strategic plan for Fairfax underway, grant applications for operational funding submitted in December 2022, and partnership with Country Education Partnership agreed. Festival Director and Coordinator for the Fairfax Youth Initiative have been appointed under procurement contract role as part of the successful \$251,000 grant for Fairfax. Successful grant, receiving \$50,000 from Festivals Australia. Mallee Creative Arts Group first meeting took place at The Powerhouse in Hopetoun in October 2022. New website replacing town hall website, for events supported or produced by council in the region has been implemented.












Prosperity

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

2.1. Effective partnerships for prosperity				
STRATEGIC INITIATIVES	ACTION	DUE DATE	PROGRESS	COMMENTARY
2.1.1. Support diverse educational opportunities that fosters life-long learning	2.1.1.1. Establish an effective relationship with the education sector through regular engagement	2022/23	In Progress 	Regular meeting with SuniTAFE to consider shared opportunities. 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 	Reports for the Planning Early Years Infrastructure in Manangatang and Woorinen South Project have been finalised. The draft reports contain details of the community consultations and the need for a rurally cognisant model for early years infrastructure.
	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, as well as VCAL classes and regular presence in both towns. Ongoing.

STRATEGIC INITIATIVES	ACTION	DUE DATE	PROGRESS	COMMENTARY
2.1.2. Support our key industries	2.1.2.1. Establish a Terms of Reference and develop an Annual Plan with the AgriBusiness Advisory Committee	2022/23	In Progress 	Committee back meeting on a regular basis and looking to engage new members. Reviewing the Committee Terms of Reference and Annual Plan to ensure maximum benefit for Council. Report to be prepared on the future of this Committee to Council early 2023.
	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. Discussion still required with Swan Hill Inc. before report back to ELT and Council.
	2.1.2.3. Review the Economic Development Strategy to ensure a targeted focus on key outcomes	2022/23	In Progress 	Review of all current documentation relating to the Economic Development Strategy being undertaken to determine what has been achieved and what is still required to be done. Development of key economic and business development priorities that should form the basis of the next strategy being prepared. Suggested process to develop the Economic Development Strategy to be presented to ELT and Council in late July 2022. Council briefed on the process to review and develop a new strategy with Officers now engaged in meeting the time line outlined. Economic Development Strategy review has commenced with the first round of workshops conducted and information being gathered for review.
	2.1.2.4. Develop a strategic plan for future success of the Pioneer Settlement	2023/24	In Planning 	Specifications are being developed for release in 2022/23, once a decision has been made on proposed new entry location which is part of a larger funded project.
	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.
	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 	Advisory committee established and appointed by Council. First meeting 14 June 2022.

2.2. A thriving diverse economy				
STRATEGIC INITIATIVES	ACTION	DUE DATE	PROGRESS	COMMENTARY
2.2.1. Encourage the growth and development of our economy	2.2.1.1. Develop a new planning scheme that is clear in its intention, supports growth and builds confidence and certainty in land use	2024/25	Not Started 	On work plan for 2024/25.
	2.2.1.2. Continue to support existing businesses to grow through the implementation of the Better Approvals process	2021-2025	In Progress 	Better Approvals team continue to support existing and proposed businesses in the municipality. The potential to extend the service to community and sporting groups is being considered.
	2.2.1.3. Actively pursue the establishment of a designated area migration agreement (DAMA)	2021-2023	In Progress 	Regional interest is limited. Once all nearby Councils have formally responded a further report will be presented to Council.


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 	Federal funding application - Connectivity Round 2. Funding application successful.
	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.
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 	Draft report from consultants for the High Performance Freight Vehicle (HPFV) strategy for both SHRCC and Gannawarra Shire was reviewed at a meeting on Tues 14 June. Finalisation of the report is due by June 30. This strategy will be used for future grant fund applications. Final study report has been received. Report to be prepared for Council to advise of study outcomes.
	2.3.2.2. Deliver and review Councils capital works program and Major Projects Plan each year	2021-2025	In Progress 	New projects taken up by PMO staff from 2022/23 budget and PMO planning on other projects from 2202/23, In past six months, 12 major capital projects have been completed. Currently 14 more capital projects are in progress.
	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 	Asset Management Plans (AMP) for all asset classes being progressed. <ul style="list-style-type: none"> - Transport and Stormwater have been updated to be ratified by CEO and included in long term planning (delayed due to flood impact on networks) - Open space AMP expected completion by FEB23 - Fleet AMP Expected completion APR23 Other portfolios to be completed require the following prior to completion. <ul style="list-style-type: none"> - 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 	Submitted a funding application with both Federal and State Governments to support the Robinvale Riverfront Masterplan including a new nature / adventure playground and skate park. Outcome announcement in June 2022. Finalise Local Roads Community Infrastructure projects round 2 and 3. Funding application for a regional university centre in Swan Hill has been submitted. Application for funding for adventure playground and skate park in Robinvale successful with works to commence in July 2023. University submission unsuccessful. Regional University now proceeding. Over \$5.2 million worth of grants received.











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





Harmony




3.1. Communities that are safe, welcoming and inclusive				
STRATEGIC INITIATIVES	ACTION	DUE DATE	PROGRESS	COMMENTARY
3.1.1. The diversity of our communities is celebrated	3.1.1.1. Engage with LGBTIQ+ community members to improve inclusion and community awareness through leadership of the Inclusion Network.	2022/23	In Progress 	Local LGBTIQ+ committee has been rejuvenated with secretarial now – Meeting was held in October 2022 to go through Swan Hill's Roadmap draft. Challenging resistance workshop to be delivered sometime in 2023 which is yet to be decided.
	3.1.1.2. Support co-designed development of multicultural events and activities	2022/23	Complete and Ongoing 	Harmony day held on 26 March 2022. Robinvale Lantern Festival held successfully on 9 September.
	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 	Harmony Day 2022 planned by committee of community members supported by Council officers, held on 26 March 2022. Robinvale Lantern Festival held successfully on 9 September 2022.
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 	Ongoing – Robinvale Youth Group and Manangatang Student representative council operates with a co-design model for all events.
	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.







	3.1.2.4. Undertake the youth wellbeing actions from the Youth Strategy, specifically mental and sexual health.	2023/24	Complete and ongoing 	Ongoing - Empower and Engage programs focusing on Manangatang and Robinvale and focusing on mental health as a result of Covid - planned for resumption of school 2022 Sexual Health presentations delivered in 2022 and to be delivered in 2023/24 through partnerships with local high schools and community groups.
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STRATEGIC INITIATIVES	ACTION	DUE DATE	PROGRESS	COMMENTARY
3.1.3. Flourishing community organisations	3.1.3.1. Actively promote the benefits of Volunteering in all our communities, streamline the process to facilitate volunteering in Council activities and programs	2022 - 2024	In Progress 	Volunteer Day was celebrated in December 2022, and an action plan is being developed for the region to encourage 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 	Drafting ELT and Council Report on the Future Community Planning. Review report will consider options for improving our Community Planning processes and outcomes. Report still to be considered by Council.
	3.1.3.3. Improve engagement with community based special interest groups	2022/23	In Planning 	Council to take a more active profile and to initiate meetings with service and other organisations
3.1.4. Our elderly and vulnerable are cared for	3.1.4.1. Support the development of Residential Aged Care services	2023/24	In Progress 	Respond to opportunities for development or increase of aged care places in the region. 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.
	3.1.4.3. Undertake actions in the Municipal Early to Middle Years Plan associated with improving services to greater assist vulnerable families	2022/23	In Progress 	In October 2021 a second site at 63 McCrae St was leased to accommodate the Enhanced MCH Program. This site has become known as the Child and Family Hub and allows activities and programs to be developed and implemented for vulnerable families in partnerships with other agencies. Playgroups, parenting groups and consultations are conducted onsite. The MCH Service in Robinvale has for the past five years operated partly from Robinvale District Health Service and partly at the Early Years Centre at Robinvale College. In December 2022 it was decided to operate the MCH Service is from the Early Years Centre in order to become more fully integrated with the early years services as per the original intention.
	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 to be held during October 2022.

	3.1.4.5. Review Community Access and Inclusion Strategy (CAIS).	2021/22	In Progress 	The Community Access and Inclusion Strategy currently has no funding identified to assist with this, staff will look at alternatives to develop a Plan in 2023-2024.
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STRATEGIC INITIATIVES	ACTION	DUE DATE	PROGRESS	COMMENTARY
3.1.5. All members of our Communities are supported	3.1.5.1. Work in partnership with local agencies to prevent all forms of Family Violence.	2021 - 2025	In Progress 	Application for Prevention of Family Violence funding submitted in late February 2022 was unsuccessful.
	3.1.5.2. Develop and implement a Gender Equality Action Plan (GEAP)	2021/22	Complete and ongoing 	The People matters survey was completed in July 2021, internal data extractions completed. Data from both was submitted to Gender Equality Commissioner by 1 December 2021. Data collected formed the basis of the GEAP. GEAP was submitted to the Commission on 31 March 2022 and compliant as of June 2022. Actions of the GEAP continue to be implemented. There are 32 actions in the GEAP 14 have been completed, progress has also been made on 8 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.

3.2. An engaged and respected Aboriginal community				
STRATEGIC INITIATIVES	ACTION	DUE DATE	PROGRESS	COMMENTARY
3.2.1. Strengthening our trust, relationships and partnerships with Traditional Owners and the Aboriginal and Torres Strait Islander community	3.2.1.1. Develop a Reconciliation Action Plan	2022/23	Not Started 	The Reconciliation Action Plan currently has no funding identified to assist with this, staff will look at alternatives to develop a Plan in 2023-2024.
	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. Funding request in 2022/23 budget for additional resources.
	3.2.1.3. Support our Aboriginal community to work towards a treaty or treaties	2021-2025	Not Started 	Extra funding for Aboriginal support needs to be achieved to enable this work to proceed.




STRATEGIC INITIATIVES	ACTION	DUE DATE	PROGRESS	COMMENTARY
3.2.2. Encourage and support community leadership	3.2.2.1. Continue to offer Aboriginal scholarships and leadership opportunities	2021-2025	In Progress 	Opportunities for scholarships advertised in February/March 2022. Scholarship advertising conducted with no applications received. Looking at other options, potential traineeships in this space. Host traineeships targeted to Aboriginal applicants yet to commence (WFP# 1.5)
	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.
	3.2.2.3. Proactively support leadership within our Aboriginal community	2021-2025	Not Started 	Action Plan to be prepared on how to advance this process. Council needs to be briefed on the treaty process being undertaken by the State Government and the Traditional Owners.
3.2.3. Celebration and recognition of Aboriginal and Torres Strait history and culture	3.2.3.1. Investigate and seek funding for Aboriginal tourism opportunities	2022-2025	In Planning 	This is ongoing and is limited as Council is often not an acceptable body to apply. Application for Pentland Island funding for planning successful. Consultants to be engaged and work will be undertaken by June 2023
	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 	Inclusion of Aboriginal community members through constitutional changes to Gallery Advisory Committee. Ongoing adoption of recommendations from Australian Museums and Galleries Association's "First Peoples: A roadmap for enhancing Indigenous engagement in museums and galleries". Planning for future Aboriginal focussed exhibitions.
	3.2.3.3. Support Aboriginal and Torres Strait Islander days of significance	2021-2025	Complete and Ongoing 	Funding support NAIDOC Week. Scheduled activities to again participate in NAIDOC Week have been planned. Council participated in National Sorry Day in May 2022.














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









Leadership

4.1. Excellent management and administration				
STRATEGIC INITIATIVES	ACTION	DUE DATE	PROGRESS	COMMENTARY
4.1.1. Well managed resources for a sustainable future	4.1.1.1. Invest in the development of employees to enable a highly skilled and engaged workforce	2021-2025	In Progress 	Training needs analysis has been completed following the staff review process in September 2020 & 2021. The 2022 Organisational Training Plan was approved by ELT following the 2022 Staff Review Process. Training reports generated following the review process and nominated training has been arranged. Organisational Training Plan implementation has commenced.
	4.1.1.2. Promote a culture of continuous improvement with a focus on efficiency and customer service	2021-2025	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. Currently reviewing a new payroll system, HR System and Laevo System (PMO). The customer service policy is under review to provide improved customer services. 2nd Quarter Update - the new payroll system has been successfully rolled out to part of Corporate services and now looking at rolling out to other departments/directorates. Currently reviewing Financial hardship policy, and debt recovery policy.
	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 	2021 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 with six actions completed.
4.1.2. Provide robust governance and effective leadership	4.1.2.1. Implement a Project Management Framework and system	2021/22	In Progress 	The Project Management software is being refined with use and is planned to improve further with scheduled updates of Civica in April 2023. A consultant to be engaged for reviewing and reintroducing the PM Framework.

	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) being updated to be ratified by CEO. Open Space Asset Management Plan due by Feb 23.
	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 from 19 June 2022 to 22 June 2022.
	4.1.2.4. Work with Town Representative groups to better plan and deliver projects	2021-2025	In Progress 	Drafting ELT and Council Report on the Future Community Planning. Review report will consider options for improving our Community Planning processes and outcomes. To be presented to ELT by mid to late July 2022. Community Planning discussion needs to be conducted with Council and the Community to determine aspirations and expectations around service delivery. Community Representatives to Town Groups reviewed. Review of program and process being conducted. Workshop involving Town Committee Presidents and Secretaries planned for early 2023. Council staff assisting Town Committees with governance issues.

STRATEGIC INITIATIVES	ACTION	DUE DATE	PROGRESS	COMMENTARY
4.1.3. Sound, sustainable: o Financial management o Excellence in service delivery o Strategic planning	4.1.3.1 Deliver projects on time, on budget and within scope	2021-2025	In Progress 	Ongoing and achieving, however, projects are impacted by price rise. PMO still working to deliver projects within budget constraints.
	4.1.3.2. Working to budget and ensure future planning to meet financial needs	2021-2025	Complete and Ongoing 	The 2021/22 Annual Report and Financial Statements were adopted by Council 25 October 2022. The 10 Year Major Projects Plan presented to the Council in Dec 22. Budgeting for projects in year 1 of this plan is underway. We have recently undergone an internal audit on our payroll processes and currently working through the audit findings, and at present we are in the process of an internal audit of our accounts payable process. Both these audits will aim to ensure we are following best practise and ensuring any risks in these areas are mitigated.
	4.1.3.3. Review two service delivery areas in years 2 (Parks and Gardens / Library) and 4 (Economic and Community development / Circular economy) of this Council Plan to improve and ensure accessibility and consistency of our customer experience	2022/23 & 2024/25	Not Started 	Not commenced

4.2. Transparent communication and engagement				
STRATEGIC INITIATIVES	ACTION	DUE DATE	PROGRESS	COMMENTARY
4.2.1. Effective and authentic engagement with our community	4.2.1.1. Review our Community Engagement Strategy to ensure our engagement is meeting the needs of the community	2022/23	In Progress 	Planning for the review of 2019/22 Communication and Community Engagement Strategy has commenced.
	4.2.1.2. Embed the Community Engagement principles and practices across the organisation	2023/24	In Progress 	Community engagement training will be offered to key staff in the organisation, training will be based on the Community engagement Guidelines and potentially delivered by a consultant
	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 	Social Media Policy has been reviewed. Councillor Social Media procedure developed and awaiting approval. Working closely with the Town Hall to increase engagement through Socials. Library have created an Instagram account.
4.2.2. Visible presence in our community	4.2.2.1. Maximising the opportunities for Councillors and senior staff to represent Council at relevant community meetings, functions and events	2021-2025	Not Started 	Restricted opportunities due to COVID-19 limitations
	4.2.2.2. Continue quarterly Coffee with a Councillor around the municipality	2021-2025	In Progress 	Coffee with a Councillor (CwC) will be held bi-monthly at events throughout the municipality, discussions held concluded that stand alone events are not effective at engaging our community. CwC schedule to be prepared for 2023.
	4.2.2.3. Arrange structured tours of the municipality where Councillors and senior staff meet with key community groups	2022/23	Not Started 	COVID-19 has not permitted the commencement of structured tours.
	4.2.2.4. Create a culture where staff are ambassadors for the Council	2021-2025	In Progress 	Review and continue to improve internal communication tools. Acknowledge and reward staff appropriately

4.3. Bold leadership, strong partnerships and effective advocacy				
STRATEGIC INITIATIVES	ACTION	DUE DATE	PROGRESS	COMMENTARY
4.3.1. Create meaningful partnerships across our communities	4.3.1.1. Continue involvement in community groups	2021-2025	In Progress 	Ongoing
	4.3.1.2. Support Robinvale with its Committee for Robinvale Euston (C4RE)	2022/23	In Progress 	Robinvale Euston Workforce Network (REWN) established with external funding in May 2022, and Council is a partner with the Coleman Foundation program in Robinvale which supports the REWN.
	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 in the local Health and Wellbeing, LGBTIQ+ and Mental Health committees, and supports their ongoing initiatives.
	4.3.1.4. Continue to support and work with Swan Hill Incorporated	2021-2025	In Progress 	CEO meets with Swan Hill Inc. on monthly basis to discuss opportunities. Conducted a workshop with Swan Hill Inc. Representatives to discuss developing a closer working relationship and how to work on projects that both organisations have funding for. Council has accepted the Marketing and Annual Plan provided by the Swan Hill Inc. Board and will continue to work together on joint projects to promote the township and surrounds. Council continue to work closely with Swan Hill Inc. on projects.
4.3.2. Strong relationship with State and Federal governments to influence advocacy and funding opportunities	4.3.2.1. Continue to advocate on the following issues: <ul style="list-style-type: none"> Improved Healthcare for our people, including a new hospital for Swan Hill A new Murray River Bridge at Swan Hill Complete the Murray Basin Rail Project Housing and enabling infrastructure Better use of environmental water and the development of a plan specific to the Murray River between Swan Hill and Robinvale. 	2021-2025	In Progress 	Construction of 4 houses in Ronald St Robinvale, part funded by State Government Grant. Various studies on housing opportunities in Robinvale and the region 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 	Advocacy Strategy adopted on 21 May 2019 - review by 30 June 2022. Investigating new (more modern) ways of producing this information - through media and website. Advocacy document reviewed January 2023.
4.3.3. Working together in promotion of the municipality	4.3.3.1. Positively promote our region as a great place	2021-2025	In Progress 	Continue with Tourism promotion across the municipality and region and during all recruitment.
	4.3.3.2. Continue to work with Murray River Tourism and Swan Hill Incorporated to promote the municipality	2021-2025	In Progress 	Former CEO Board member of Murray River Tourism Board. We continue to work actively on issues of mutual interest eg. Workshop scheduled for February 2022. CEO and Chair of Swan Hill Inc. meet monthly to discuss opportunities and issues of common interest.



B.23.7 MEDIA POLICY AND PROCEDURE

Responsible Officer: Director Corporate Services
File Number: S16-25-04 & S16-25P-02-029
Attachments:
1 [↓](#) Media Policy
2 [↓](#) Media Procedure and Councillor Media Procedure

Declarations of Interest:

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

Summary

This report seeks a Council resolution to adopt the reviewed Policy and Procedure and the addition of a new Councillor Media Procedure.

Discussion

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

- Wrongs Act - 2020 added to Enabling Legislation
- Governance Rules document has replaced Caretaker Directive and Caretaker Procedure.
- Communications and Engagement Strategy and Community Engagement Policy added as related policies/documents.
- Councillors section removed to allow for the new draft Councillor Media Procedure.
 - The new Councillor Media Procedure is intended to assist Councillors to use all media types, in a way that minimises exposure of Council and Councillors to legal and reputational risk.

Consultation

Community Engagement and Communication Unit, Executive Leadership Team.

Financial Implications

The communications unit continues to resource the media policy and procedures. Social media continues to provide a cost-effective means of communication.

Social Implications

The continued use of our Media Policy and Procedures will improve community participation and understanding of Council programs and initiatives

Economic Implications

Not applicable.

Environmental Implications

Not applicable.

Risk Management Implications

The Media Policy and Procedures provide guidance to employees and Councillors on appropriate use, thus reducing reputational risk.

Council Plan Strategy Addressed

Leadership - Transparent communication and engagement.

Options

That the Media Policy, Procedure and Councillor Procedure is:

1. Adopted as presented
2. Adopted with amendments
3. Not adopted

Recommendation

That Council adopt the Media Policy, Procedure and Councillor Procedure, as presented.

7/23 Motion

MOVED Cr Moar

That Council move B.23.7 and B.23.9 as a block as per recommendations.

- 1. Adopt the Media Policy, Procedure and Councillor Procedure, as presented.**
- 2. Adopt the draft 'Lease and Licence' Policy as presented.**

SECONDED Cr McKay

The Motion was put and CARRIED

Date adopted	July 2001
Last review	February 2023
Next review	February 2026
Responsible Officer	Communications and Community Engagement Coordinator

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



POLICY TITLE MEDIA POLICY

POLICY NUMBER CPOL/GOV003

1. PURPOSE

To establish protocols for managing communication between Swan Hill Rural City Council (Council) and the media.

2. SCOPE

This policy applies at all times to all employees and Councillors. During the election caretaker period, employees and Councillors should also refer to the Swan Hill Rural City Council Governance Rules in conjunction with this policy.

3. POLICY

All Councillors and employees will comply with Council's media procedures to ensure communication between Council and media is managed appropriately.

The Mayor and the Chief Executive Officer are the official spokespersons for Council.

Councillors speaking to the media will clearly indicate whether comments that they are expressing are the official position of Council or represent their own personal views.

Directors can act as authorised spokespersons on issues from their areas of responsibility. Officers may provide comment only if the relevant Director or the Chief Executive Officer authorises them to do so.

4. RELATED POLICIES/DOCUMENTS

POL/CORP225 Website Policy
Communication Strategy
POL/GOV 017 Social Media Policy
POL/GOV016 Swan Hill Rural City Council Caretaker Policy
Councillor Code of Conduct
Swan Hill Rural City Council Staff Code of Conduct
Swan Hill Rural City Council Business Continuity and Disaster Recovery Plan
Communications and Engagement Strategy
Community Engagement Policy

Media Policy CPOL/GOV003		
Version: 2.3	This document is uncontrolled when printed	Page 1 of 2

5. RELATED LEGISLATION

Privacy and Data Protection Act 2014
Local Government Act 2020 (VIC)

6. DOCUMENT HISTORY

Version Number	Issue Date	Description of change
1.0	July 2001	Initial Adoption
1.1	September 2013	Review
2.1	March 2016	Review
2.2	May 2018	Review
2.3	February 2023	Review

Signed: _____ Mayor Date: _____

Media Policy CPOL/GOV003		
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Date adopted	July 2001
Last review	February 2023
Next review	February 2026
Responsible Officer	Communications and Community Engagement Coordinator

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Responsibilities Act 2006



PROCEDURE TITLE MEDIA PROCEDURE

PROCEDURE NUMBER PRO/GOV003

1. ENABLING POLICY

MEDIA POLICY – CPOL/GOV003

2. ENABLING LEGISLATION

Nil

3. PURPOSE

To establish protocols for managing communication between Council and the media.

4. SCOPE

This procedure applies at all times to all employees.

During the election caretaker period, employees and Councillors should refer to the Swan Hill Rural City Council Governance Rules in conjunction with this procedure.

5. PROCEDURE

For the purpose of this procedure, media is defined as print media, radio, television and online.

The Mayor and the Chief Executive Officer are the official spokespersons for Swan Hill Rural City Council.

5.1. Employees

The Chief Executive Officer is the authorised spokesperson on organisational matters, the Council Plan, Council strategies, policies and major projects or as directed by Council.

Directors can act as authorised spokespersons on issues from their areas of responsibility. Officers may provide comment **only** if the relevant Director or the Chief Executive Officer authorises them to do so.

MEDIA PROCEDURE PRO/GOV003		
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Media comment must accurately reflect Council's position on the topic as determined by Council and in accordance with the Council Plan, Strategic Plan and Council policies.

Defamation law covers employees in the same way as the general public. It could be considered defamatory to harm another person's reputation verbally or through the written word.

Employees should also be mindful of the Swan Hill Rural City Council Staff Code of Conduct.

Approaches by media should be directed to the Communications and Community Engagement Unit who will refer them to the most appropriate spokesperson. In their absence, all enquiries are to be directed to the Chief Executive Officer or appropriate Director.

All media enquiries should be treated efficiently and courteously with respect to deadlines.

Employees are discouraged from making comment as a private citizen on issues relating to Council. If comment is made, employees should not identify themselves as a Council employee and should not criticise Council or other Council employees. Employees should also be mindful of the Swan Hill Rural City Council Staff Code of Conduct, their position description and employment contract. If employees are in any doubt regarding making comment as a private citizen, they should discuss the matter with the Chief Executive Officer or their Director.

5.2. Potential Media Issues

In the case of matters with possible legal consequences, all statements to the media will be made by the Chief Executive Officer.

The Communications and Community Engagement Unit and the Chief Executive Officer are responsible for monitoring media activity and identifying potential issues. If an officer becomes aware of an issue that has potential to develop, this should be brought to the attention of the Chief Executive Officer immediately. This includes any State or Federal Government representatives or dignitaries visiting the region.

Employees are to arrange all media coverage through the Media Unit, and in doing so are to provide relevant background and factual information.

5.3. Media Releases

Issues of importance or interest to the community should be brought to the attention of the Communications and Community Engagement Unit as soon as possible, which will create a media release and other publicity based on the information provided.

All media releases will be authorised by the Chief Executive Officer or the most appropriate Director prior to being issued. Media releases that include political, sensitive or organisational-wide issues must be reviewed and authorised by the Chief Executive Officer, prior to release.

MEDIA PROCEDURE PRO/GOV003		
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The Communications and Community Engagement Unit will be the first point of contact for all media enquiries pertaining to a release.

Only the Mayor, Chief Executive Officer and Directors are authorised to comment on media releases. Officers may provide comment on a release **only** if the relevant Director or the Chief Executive Officer authorises them to do so.

Authorised media releases will also be published on the Swan Hill Rural City Council website, and sent to all Councillors. Media releases may also be published on Council's social media accounts.

Employees who receive enquiries from the media must direct the enquiry to the Media Unit or the appropriate Director or Chief Executive Officer.

5.4. Advertising

All items of advertising pertaining to Council must go through the Communications and Community Engagement Unit.

All employees are required to complete and submit to the Communications and Community Engagement Unit the advertising request form, along with a copy of the text for the advertisement, which has been authorised by their appropriate Director.

To ensure advertising requests are dealt with in an efficient and timely manner, and to work towards meeting media deadlines, employees are to ensure that they submit their advertising request forms via an Alfresco workflow as soon as possible.

5.6. Emergency Management

5.6.1. Council Emergency Management

In the case of a Council emergency, refer to the Swan Hill Rural City Council Business Continuity and Disaster Recovery Plan.

5.6.2. Municipal Emergency Management

In the event of a major emergency or unexpected occurrence (such as a natural disaster) the appropriate procedures will be activated to ensure that communication with the media is well managed and is compliant with the legislation pertaining to emergency management.

During such an event, the Incident Controller will determine where and when the information is to be communicated to the media.

Statements made in times of an emergency can have far reaching effects. Therefore employees and Councillors should note that informal comment or discussion with the media is to be avoided as it might prejudice the ability to manage a response to the media in the most appropriate way.

Where Council is authorised or directed to make comment to the media **only** the Mayor or the Chief Executive Officer will do so.

Approved content can be distributed on all communication mediums, including mainstream media, Council's website, social media sites and through Council offices.

MEDIA PROCEDURE PRO/GOV003		
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6. CARETAKER PERIOD

The *Local Government Act 2020* requires Council to comply with caretaker requirements during an election period. These caretaker requirements extend to the prohibition of printing, publishing or distributing electoral material from Council unless it pertains to the actual election process itself.

All media enquiries during the caretaker period should be directed to the Media Unit for referral to the Chief Executive Officer.

These caretaker requirements have an impact on public relations and media during this period. Councillors and employees should refer to the Swan Hill Rural City Council Governance Rules.

7. RELATED POLICIES/PROCEDURES/DOCUMENTS

CPOL/GOV003 MEDIA POLICY

8. DOCUMENT HISTORY

Version Number	Issue Date	Description of change
1.0	July 2001	Initial Adoption
1.1	September 2013	Review
2.1	March 2016	Review
2.2	May 2018	Review
2.3	February 2023	Review

Signed: _____ CEO

Date: _____

Date adopted July 2001
 Last review February 2023
 Next review February 2026

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



Responsible Officer Communications and Community Engagement Coordinator

PROCEDURE TITLE COUNCILLOR MEDIA PROCEDURE

PROCEDURE PRO/GOV029

1. ENABLING POLICY

MEDIA POLICY 2 – CPOL/GOV003

2. ENABLING LEGISLATION

Nil

3. PURPOSE

It is intended to assist Councillors to use all media types, in a way that minimises exposure of Council and Councillors to legal and reputational risk.

4. SCOPE

This policy applies when Councillors are interacting with media authorities and on social media platforms when used in their:

- Professional capacity, in their role as Councillors ; and
- Personal capacity, where that use is connected with, or might otherwise impact on, Council, its reputation and/or its effectiveness.

5. POTENTIAL MEDIA ISSUES

This policy applies when Councillors are interacting with media authorities and on social media platforms when used in their:

- Professional capacity, in their role as Councillors ; and
- Personal capacity, where that use is connected with, or might otherwise impact on, Council, its reputation and/or its effectiveness.

For the purpose of this procedure, media is defined as print media, radio, television social media and other online platforms.

The Mayor and the Chief Executive Officer are the official spokespersons for Swan Hill Rural City Council.

5.1. Councillors

Councillors are responsible for:

- Exercising their responsibilities and obligations as outlined in the *Local Government Act 2020*, the *Councillor Code of Conduct*, and the *Governance Rules* to, among other things, act with integrity and impartially discharge their own responsibilities in the interests of the local community.
- Councillors should advise the Mayor or Chief Executive Officer when making comment to the media on Council-related matters.

COUNCILLOR MEDIA PROCEDURE PRO/GOV029		
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- Councillors speaking to the media will clearly say if comments are expressing the official position of Council or represent their own personal views.
- Councillors should advise the Mayor or Chief Executive Officer when making comment to the media on Council-related matters.

6. CARETAKER PERIOD

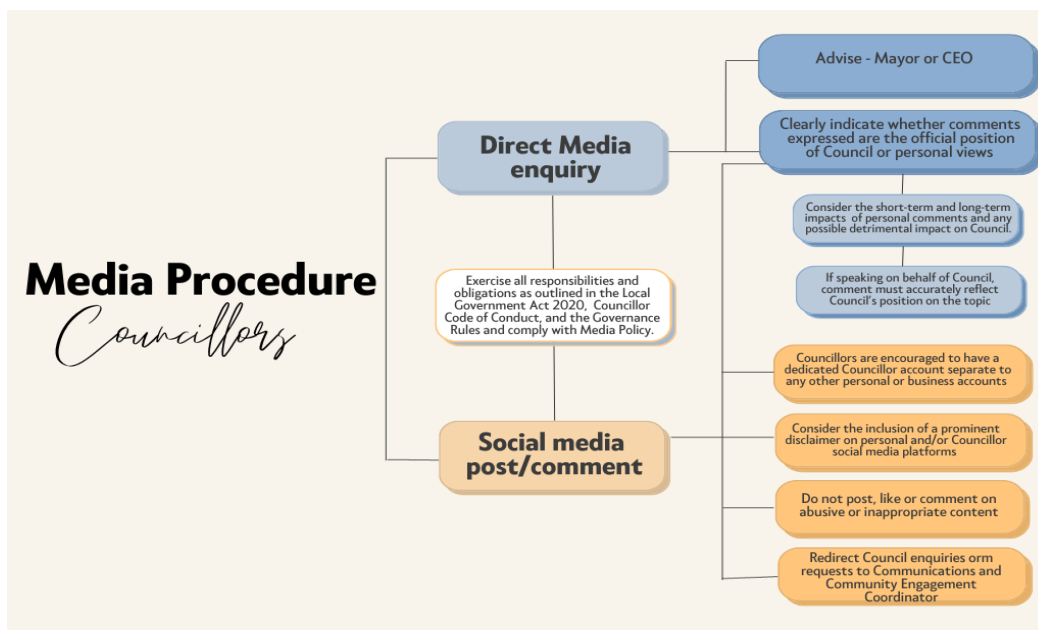
Councillors should refer to the Swan Hill Rural City Council Governance Rules.

The *Local Government Act 2020* requires Council to comply with caretaker requirements during An election period. These caretaker requirements extend to the prohibition of printing, publishing or distributing electoral material from Council unless it pertains to the actual election process itself.

All media enquiries during the caretaker period should be directed to the Media Unit for referral to the Chief Executive Officer.

These caretaker requirements have an impact on public relations and media during this period.

7. PROCEDURE



8. DOCUMENT HISTORY

Version Number	Issue Date	Description of change
1.0	January 2023	

Signed: _____ CEO Date: _____

COUNCILLOR MEDIA PROCEDURE PRO/GOV029		
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B.23.8 INTERNATIONAL RELATIONS POLICY

Responsible Officer: Chief Executive Officer
File Number: S16-25P-02-007
Attachments: 1 [↓ International Relations Policy](#)

Declarations of Interest:

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

Summary

Council first approved this policy in 2005. On 22 February 2021, the Executive Leadership Team recommended that the discontinuation of the policy. The policy is attached for Council review.

Discussion

The policy on international relations was approved by Council in 2005. The purpose of the policy was to achieve the vision of Council for 2004-2008. On 22 February 2021, Executive Leadership Team (ELT) reviewed this policy and recommended that the policy on international relations to be discontinued.

Consultation

Consultation with ELT as mentioned above.

Financial Implications

Nil

Social Implications

Nil

Economic Implications

Nil

Environmental Implications

Nil

Risk Management Implications

Nil

Council Plan Strategy Addressed

Harmony - Communities that are safe, welcoming and inclusive.

Options

1. Council may wish to retain the International relations policy and amend as necessary; or
2. Council may discontinue with International relations policy

Recommendations

That Council discontinue the International Relations Policy.

8/23 Motion

MOVED Cr King

That Council discontinue the International Relations Policy.

SECONDED Cr Kelly

The Motion was put and CARRIED

Date Adopted June 2005
To be Reviewed June 2007



POLICY TITLE INTERNATIONAL RELATIONS

POLICY NUMBER ~~GOV-04~~ GOV007

POLICY PURPOSE

The Council Plan 2004 – 2008 identifies Council's vision as:

"A sustainable community with strong identity, working together for community cohesion, economic prosperity and sound environmental management".

And our Mission is:

"The Swan Hill Rural City Council will lead, work with, and support our community to fulfill their aspirations."

To achieve this mission, the Council has four Key Result Areas supported by strategies. The following are relevant to international relations:

- **Sustainable Communities**

Council will work with and support our community to realise their potential, encouraging diversity and fostering stronger communities.

Celebrating our identity – We are proud of who we are. Council will seek to recognise, preserve and celebrate our identity, our past, and our future, embracing our differences while building a cohesive community.

- **Economic Growth**

Building upon the current momentum of development, Council will seek to facilitate the continued growth of a vibrant and diverse economy.

Strategic planning – Council will continue to maintain a strategic forward plan to guide future economic development of the municipality in accordance with its economic objectives.

Working in partnership – To achieve our economic future Council will work in partnership with existing businesses, new investors, industry representatives and government to facilitate and achieve joint objectives.

Council undertaking economic development – From time to time development requires impetus. Where this is the case, Council will investigate and if appropriate, undertake economic support projects and initiatives in the interest of the community.

Official relationships with government representatives of other countries directly address the above strategies and Key Result Areas.

Date Adopted June 2005
To be Reviewed June 2007



THE INTERNATIONAL SCENE – A GLOBAL ECONOMY

Sustainable economic growth for the Swan Hill Rural City can only occur in context of the global economy.

The process of globalisation – the growth of emerging commodity markets, the integration of financial markets, liberalisation of capital flows and the emergence of significant footloose capital, and the rapid pace of technological change, particularly in communications technology - is causing cultural, social, environmental and economic changes in the operating environment of a modern economy.

Simply put, an economy that only focuses on the production of goods and services (or the development of services) for its own consumption is not sustainable. Sustainable economic growth requires a focus on the export of goods and services outside of the local region with a view to a sustainable trade balance.

Regional economies are becoming increasingly important; they form part of global networks and are much more closely inter-connected than they used to be. This is well encapsulated by the economic development byline of “think globally, act locally”.

Accordingly, the Swan Hill Rural City cannot be insular from the process of globalisation; it must be outward-looking and keen to grasp new opportunities while building on existing strengths. In order to understand and benefit from emerging global networks, Swan Hill Rural City Council can:

- Pursue international ties to develop a positive international reputation for the region and learn from leading international practice;
- Develop a profile for the region amongst key decision-makers internationally so as to create opportunities from which the Swan Hill Rural City and its commercial businesses can benefit;
- Improve and expand international communication, cultural awareness and cooperation; and
- Maximise the opportunities that arise from exposure to international trade, commerce, culture and leisure.

Swan Hill Rural City Council has an interest to promote the interests of the region and to establish international relationships, which further the Council’s strategic directions.

This is best achieved in co-operation with Commonwealth and State Government – who have a more primary role in international relations - to promote international relations and the social, cultural, economic and environmental benefits that can flow from them. Local partnerships with organisations such as Austrade, can make a significant contribution to the strengthening of our international relationships.

Date Adopted	June 2005
To be Reviewed	June 2007



POLICY OBJECTIVES

The Swan Hill Rural City Council will foster targeted international relationships to:

- Enrich community life in the Swan Hill Rural City through support for international cultural exchange programs.
- Recognise historical links forged by members of our community.
- Support a vibrant, highly sustainable economic base for Swan Hill Rural City whilst recognising the opportunities of participating in offshore markets.
- Assist local businesses and institutions to expand their opportunities overseas.
- Assist overseas businesses establish in Australia and inject foreign capital into our local economy.
- Foster international relationships that can assist us in our international fields of endeavour.
- Promote our region as a desirable investment destination in the international arena to broaden our economy and provide jobs growth.
- Promote our region as a desirable international tourist destination.
- Promote our region as a desirable place to live and/or take up skilled employment.
- Recognise our educational and knowledge assets and to assist in identifying opportunities to generate income from overseas from these assets.
- Facilitate the sharing of information and knowledge.
- Develop project partnerships for mutual benefit; and
- Focus on learning from other cities/regions that can be implemented to achieve value and benefit for the Swan Hill Rural City.

Existing Sister City relationship (Yamagata City), Friendship City relationship (Jilin City) and Twinning relationships (Villers Brettoneux) will be respected and maintained with a view to developing further strategic synergies based on the Council Plan and supporting strategies.

Tremendous economic opportunities can arise from relationships with cities from Australia's largest trading partners. China in particular is a rapidly expanding vigorous economy and will in coming years dominate the world economic scene. For some of our trading partners official involvement of Local Government is a pre-requisite for economic exchange.

Our local economy, based on primary and secondary production, is reliant on international trade for continued development. Opportunities are also opening up for our services sector (especially the knowledge transfer area) to expand into international markets. It is recognized that many of our businesses spend considerable time and effort overseas developing markets and gaining valuable information on world best practice. Importantly, our international relations policy will support these efforts.

Date Adopted June 2005
To be Reviewed June 2007



POLICY STATEMENTS

The Swan Hill Rural City Council will participate in focused and effective international relation activities in order to contribute to the Key Result Areas of Sustainable Communities and Economic Growth.

This is supported by specific targets for growth in:

- Residents
- Visitors
- Workers
- Students
- New investment
- Employment growth
- Market development

International relations activities will be undertaken in a targeted, focused and cost effective manner to obtain maximum support for achieving Council's vision and objectives to meet the following specific goals:

Culturally vibrant: Build upon the cultural diversity of international relations to facilitate community links, creativity and goodwill between the people of different countries.

Socially just: Identify and learn from international best practice in building a socially equitable and balanced region.

Environmentally sustainable: Access international knowledge and networks that will enable Swan Hill Rural City to introduce leading practice environmental management techniques and approaches;

Economically viable: Build linkages and understandings that will assist the region and its businesses to compete in the global marketplace.

Outward looking: Learn from other local authorities and regions facing similar issues in other parts of the world, enabling the exchange of experiences and enhancing skills and strategies, policies, programs and projects, building our capacity to deliver "innovation and quality in local government services".

Specific international relations activities would include:

1. **Cultural**
2. **Educational**
3. **Sporting**
4. **Relationship Building**
5. **Business Trade and Innovation**

Date Adopted June 2005
To be Reviewed June 2007



Examples of activities that could be undertaken include:

1. Cultural

- Exchanges of visiting citizens (eg Yamagata Club and Villers Brettoneux exchanges) to better understand social differences and similarities and to build friendship relationships.
- Visits by visiting artistic groups and performers.
- Specific events to highlight the cultural relationships and increase cross-cultural understanding.

2. Educational

- Sister school links.
- Teacher exchanges.
- Promotion of our educational institutions as they pursue fee-for-service initiatives.
- Fee-paying overseas students.
- The establishment of overseas funded educational infrastructure.

3. Sporting

- Sports exchanges.
- Use of training facilities.
- Sports events.
- Provision of training and coaching on a fee-for-service basis.
- Reciprocal membership rights eg golf clubs.

4. Relationship Building

- Hosting and support for visiting overseas delegations.
- Participation in organisations such as the Australian China and Japan Business Councils and the Italian Chamber of Commerce in Australia.
- Developing new contacts and servicing existing relationships.
- Attendance at networking opportunities.
- Development of strong linkages with Government trade and international relations agencies.

5. Business Trade and Innovation

- Support for local businesses wishing to develop opportunities in designated regions/markets.
- Involvement in trade fairs and international shows.
- Seeking and supporting international investment in our region.
- Business migration assistance.

Date Adopted	June 2005
To be Reviewed	June 2007



- Skilled migration opportunities.
- Work with tourism authorities to promote international in-visitation.
- Training and assistance programs.
- Development of critical relationships with organisations such as city/regional trade associations and trade and investment bureaus.
- Monitor and investigate opportunities to promote our region in designated regions with organisations such as Austrade, Invest Australia and Regional Development Victoria.
- Actively promote local businesses with competitive product, new technologies, services or processes to gain access to market opportunities in designated regions.

SWAN HILL RURAL CITY AMBASSADOR INITIATIVE

To recognise the efforts of many people in our region who travel overseas promoting their businesses (and indirectly our region) Council will establish a Swan Hill Rural City Ambassador program. This program will select individuals who are prepared to act as a promoter of our region while overseas and who have significant knowledge to do so. Ambassadors will be provided with official status through an introductory letter from the Mayor, suitable business cards and nametag. Regional promotional material will be provided to assist them in their efforts. Ambassadors will be required to report substantial leads from the results of their activities to Council's Economic Development Unit upon their return for appropriate follow up. Further, Ambassadors will be invited to provide a brief written report or presentation to Council on their endeavours.

OPERATIONAL

Council will focus on cities/regions of interest, which provide a strategic fit with Swan Hill Rural City, and those cities/regions from which Swan Hill Rural City can learn to achieve its goals and objectives.

An *International Relations Operating Plan* will be prepared to guide international relationship activities. The Plan will be developed within budget constraints incorporating existing Sister City activities. However, any proposal for Sister City activity outside of the Plan shall be considered by Council on its merits and may be approved. Council will only allocate resources for international relations, including Sister City activity, upon consideration of identified benefits from the activity.

The Plan may include travel to a Sister City, a study tour involving cities/regions of interest, or attendance at a conference. Supplementary activities may be undertaken if necessary and appropriate to get maximum benefit from a trip to a city/region of interest, subject to Council approval. The Plan may also include hosting International Relations events or activities.

Date Adopted June 2005

To be Reviewed June 2007



In the course of undertaking activities included in the Plan, the Mayor, Councillors and staff will be eligible to travel at Council cost (subject to normal budget approval). Non-financial Council support may also be available for privately funded travel undertaken by Councillors or senior staff to supplement the Plan.

Council will not necessarily provide direct assistance or take direct responsibility for the arrangements of other groups or individuals traveling to or from Sister Cities.

Prior to endorsing any proposed activity, Council will set and endorse objectives for the activity consistent with the Council Plan strategies addressed by this policy. The Mayor, Councillor(s) and/or staff member(s) involved in the activity will be required to submit a report within one month of returning, addressing the objectives of the activity.

Requests or opportunities for incoming international relations events (including Sister Cities events) will be accorded corporate hospitality in accordance with available budget resources and the significance – and potential outcomes – associated with the event.

SignedMayor

B.23.9 LEASE AND LICENCE POLICY

Responsible Officer: Director Corporate Services
File Number: S16-25P-04-257
Attachments: 1 [↓](#) Draft Lease and Licence Policy

Declarations of Interest:

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

Summary

The new Lease and Licence Policy will provide guidance for Council, current tenants and future tenants when entering into occupancy agreements for use of Council owned and managed buildings and land.

Discussion

Council makes Council buildings and land available for community and commercial use through approximately 200 occupancy agreements with community groups / organisations, government agencies and businesses.

Council has developed the draft Lease and Licence Policy following research of industry best practice and guidance materials.

The Policy will;

- provide consistency and ensure that facilities are used fairly, effectively and provide equitable access to the community
- be supported with operational guidelines.
- apply to new or renewed lease and licence agreements entered into after the date of approval; and
- honour any current Lease and licence commitments including options clauses.

Consultation

- Executive Leadership Team review on 19 September 2022.
- Councillor Assembly review on 25 October 2022

The draft policy was placed on public exhibition on Council's Let's Talk site for 34 days from the 18 November 2022 to 22 December 2022. During that time the policy received 55 visits. No submissions were received.

Council's tenants were notified in writing that the draft policy had been placed on public exhibition on Council's Let's Talk site.

Financial Implications

The Policy will ensure sound financial management of community facility leasing and licencing.

Social Implications

The Policy will provide consistency and ensure that facilities are used fairly, effectively and provide equitable access to the community.

Economic Implications

The policy provides opportunities for the growth of local businesses through the commercial occupation of its facilities.

Environmental Implications

The Policy supports organisations occupying Council facilities to maximise the use of solar, energy and water efficiency initiatives to reduce the environmental impact.

Risk Management Implications

The Policy will assist Council in effectively managing its community leasing and licencing risks and meets the relevant legislative obligations.

Council Plan Strategy Addressed

Leadership - Excellent management and administration.

Options

1. That Council adopt the Lease and Licence Policy as presented.
2. That Council adopt the Lease and Licence Policy with amendments.

Recommendation

That Council adopt the draft 'Lease and Licence' Policy as presented.

Moved as a block with item B.23.7 (page 226) as per recommendation below:

That Council adopt the draft 'Lease and Licence' Policy as presented.

Date adopted

Last review

February 2023

Next review

February 2024

Responsible Officer

Procurement and Properties Coordinator

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



POLICY TITLE LEASE AND LICENCE POLICY

POLICY NUMBER CPOL/CORP257

1. PURPOSE

The purpose of this Policy is to ensure an equitable and consistent approach to leases and licenses which encourages high utilisation rates, diversity of use and supports organisations occupying Council facilities to be sustainable.

2. SCOPE

This Policy applies to the leasing or licensing of Council owned or managed land and facilities.

3. POLICY

Council may lease or license Council owned or managed land to meet Council's strategic plans based on community priorities.

Council will ensure the terms and conditions of lease and licence agreements are equitable, consistent, support good governance, accountability and optimise the use of Council facilities.

4. PRINCIPLES

The following principles guide the provision and management of Council owned facilities:

Community benefit & social inclusion:

- Ensure Council-owned facilities are used to meet demonstrated community needs consistent with the Community Vision and Council Plan and Strategic Asset Management Plan;
- Optimise use of Council's community facilities and provides equitable and inclusive access by the community;
- Support and encourage diversity of programs and activities offered from Council facilities;
- Assist not-for-profit and volunteer-based organisations that offer activities and services in the Municipality;
- Encourage active and healthy lifestyles for people of all ages, abilities and interests

Lease and Licence Policy CPOL/CORP257		
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Good governance & accountability:

- Ensure a transparent and equitable process of granting new leases or licences and renewals by having clear assessment criteria;
- Ensure tenants pay fair and reasonable rentals based on established eligibility criteria and calculation methodologies;
- Facilitate a shared approach between Council and tenant as to the cost of management and maintenance of Council-owned facilities;
- Ensure tenants are accountable for meeting operational responsibilities for venue management and meeting agreed targets;
- Ensure sound financial management and effective administration of community facility leasing and licensing;
- Ensure that Council-owned facilities are appropriately maintained as Council assets

Environmental sustainability:

- Ensure Council facilities maximise the use of solar, energy and water efficiency initiatives to reduce the environmental impact
- Encourage and support tenants to implement environmental initiatives

5. RELATED POLICIES/PROCEDURES/DOCUMENTS

Community Vision and Council Plan 2021 – 2025

Strategic Asset Management Plan 2021 – 2025

PRO/CORP257 Lease and Licence Guidelines

CPOL/INFRA516 Asset Management Policy

CPOL/GOV025 Community Engagement Policy

CPOL/CORP216 Risk Management Policy

PRO/CORP251 Risk Management Framework

6. RELATED LEGISLATION

Local Government Act 2020

Retail Leases Act 2003

Retail Leases Regulations 2003

Crown Land (Reserves) Act 1978

Residential Tenancies Act 1997

Community Local Laws

Occupational Health and Safety Act 2004

Planning and Environment Act 1987

Telecommunications Act 1997

Health Act 1958

Lease and Licence Policy CPOL/CORP257		
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7. DOCUMENT HISTORY

Version Number	Issue Date	Description of Change
1.0	February 2023	Initial Release

Signed: _____ Mayor Date: _____

B.23.10 FINANCIAL HARDSHIP POLICY

Responsible Officer: Director Corporate Services
File Number: S29-03-13
Attachments: 1 [↓](#) Financial Hardship policy

Declarations of Interest:

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

Summary

This Policy sets the parameters for both Council's customers to understand Council's Financial Hardship policy along with council staff to process applications for financial hardship.

The Policy also aids Council staff in its dealings with the community

Discussion

The Financial Hardship Policy was last reviewed in April 2019 and was written for the employee. Council shall be more transparent with customers, and the Policy has been written more for the customer. This is consistent with the new Local Government Act 2020, along with the Local Government Legislation amendment (Rating and other matters) Act 2022, allowing for the various changes in the Act and Legislation amendment.

Consultation

Consultation has been undertaken with;

- Relevant members of Council staff that may receive financial hardship applications
- Executive leadership Team; on 21 November, 2022 and on 16 January 2023; and
- Councillor Assembly on 07 February 2023.

Financial Implications

Minor impact on interest collected due to interest remission and write off

Social Implications

The policy facilitates empathic and compassionate interaction with hardship applications.

Economic Implications

Not applicable.

Environmental Implications

Not applicable.

Risk Management Implications

The policy mitigates the risk of some potentially difficult to collect debts.

Council Plan Strategy Addressed

Leadership - Transparent communication and engagement.

Options

1. That Council adopts the updated Financial Hardship Policy and Procedure attached.
2. That Council makes further changes to the updated Financial Hardship Policy and Procedure.

Recommendation

That Council:

1. **Endorse the draft 'Financial Hardship' Policy**
2. **Place the draft 'Financial Hardship' Policy on public exhibition for a period of 28 days from 22 February to 22 March 2023 and invite public submission until 28 March 2023 on the draft Policy**
3. **Receive a further report following the public exhibition and submission period:**
 - a. **Addressing any submissions made with respect to the proposed 'Financial Hardship' Policy**
 - b. **Proposing adoption of the Policy unless there are any recommended amendments deemed to be substantial and requiring a further public exhibition period.**

9/23 Motion

MOVED Cr McKay

That Council:

- 1. Endorse the draft 'Financial Hardship' Policy**
- 2. Place the draft 'Financial Hardship' Policy on public exhibition for a period of 28 days from 22 February to 22 March 2023 and invite public submission until 28 March 2023 on the draft Policy**
- 3. Receive a further report following the public exhibition and submission period:**
 - a. Addressing any submissions made with respect to the proposed 'Financial Hardship' Policy**
 - b. Proposing adoption of the Policy unless there are any recommended amendments deemed to be substantial and requiring a further public exhibition period.**

SECONDED Cr Jeffery

The Motion was put and CARRIED

Date Adopted	November 2014
Last reviewed	February 2023
Next review	February 2026
Responsible Officer	Customer Service and Revenue Coordinator

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



POLICY TITLE FINANCIAL HARDSHIP POLICY

POLICY NUMBER CPOL/CORP234

1. POLICY STATEMENT

This policy applies to customers who are experiencing difficulties with paying their rates and charges or debtor accounts. Swan Hill Rural City Council defines a customer experiencing hardship as someone who is willing but unable to pay their rates/debtors as a result of financial difficulties.

This policy ensures that regardless of their circumstances our community will face no judgement, and will be treated with understanding, dignity and respect. Financial hardship assistance will help reduce additional penalties and costs that are being incurred by those in the community that can least afford them.

Council is committed to continual improvement through our learning, working with our partners and experts in the field of financial vulnerability. This policy also recognises that family violence is a serious issue that poses substantial risk to the health and wellbeing of our community. Swan Hill Rural City Council is committed to effectively supporting customers who may be experiencing family violence, either directly or indirectly.

2. PURPOSE

The purpose of this Financial Hardship Policy is to provide Council with a Policy framework setting out the process of providing financial relief to individuals and businesses requiring assistance in the payment of rates and charges or debtor accounts on the grounds of financial hardship.

3. SCOPE

This Policy applies to all property owners, rates payers and debtors of the Swan Hill Rural City Council who have been identified, either by themselves, Swan Hill Rural City Council or by an independent accredited financial counsellor as having the intention to pay their rates/debtors but do not have the financial capacity to make the required payments.

This policy shall apply to revenue included on the rates notice, such as rates, waste charges, interest and other relevant charges along with debtor accounts. It is important to note that this policy does not apply to fines issued under Council's Local Laws or any other Act.

In the implementation of this policy, due consideration will be given to determining the type of payment arrangement that is best suited to each property owner's/debtor's individual circumstance and the need to observe compassion, respect and transparency in the assessment of financial hardship applications.

Financial Hardship Policy CPOL/CORP234		
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4. DEFINITION

Hardship may be defined as short term or ongoing in duration. Swan Hill Rural City Council appreciates that every customer's situation is different. Payment arrangements and/or assistance options offered to each customer is based on their specific circumstances and capacity to pay. Customers will be offered a range of tailored assistance options to address their circumstances.

Customers will be encouraged to make a regular payment arrangement so that bills can be paid in smaller more manageable amounts. Our payment arrangements are flexible and can be renegotiated when customers' circumstances change.

5. POLICY

Swan Hill Rural City council encourages customers who are struggling financially to contact us either personally or through a third party, such as a financial counsellor or a welfare agency.

Assistance provided under this Policy is available to any person, business or group who have a financial obligation to Council in relation to rates/debtors. The following will be considered when assessing granting assistance under this policy:

- the applicant has displayed a history of attempting to pay the debt to Council;
- the applicant has initiated contact with Council to discuss the debt;
- the applicant is experiencing exceptional circumstances impacting their ability to meet their financial obligations to Council. This could be wide and varied and will be considered on a case by case basis;
- the applicant is experiencing any of the identified compassionate grounds as follows;
 - a. **family violence** – when a person has reported being a victim of family violence;
 - b. **pandemic** - Significantly impacted from a pandemic including unemployment or illness;
 - c. **medical treatment** - when a person needs to pay for medical treatment for themselves or a dependant;
 - d. **mortgage assistance** – when a person needs to prevent their home from being sold by a lender;
 - e. **modification to your home or motor vehicle** - in the case of a disability a person needs to modify their home or vehicle to accommodate their own needs or the needs of a dependant;
 - f. **palliative care** – when a person needs to pay for palliative care;
 - g. **funeral expenses** - when a person needs to pay expenses associated with a funeral;
 - h. **natural disaster** – when a person attends to emergency spending caused by a natural disaster eve
 - i. **low income** – as defined by Services Australia, for example a customer eligible for a Government funded concession;
 - j. **other** – another reason as approved by an Authorised Officer of Swan Hill Rural City Council

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Council will consider all applications for Financial Hardship, made in writing on the Financial Hardship Application Form, in a respectful, compassionate, fair, sensitive and confidential manner. Council will also ensure all details are managed with the highest degree of privacy and sensitivity.

Financial Hardship Application Forms are available from Council offices or on Council's website and can be lodged:

In person 45 Splatt Street, SWAN HILL
72 Herbert Street, ROBINVALE

Email council@swanhill.vic.gov.au

By post Chief Executive Officer
PO Box 488
SWAN HILL VIC 3585

All applications are assessed on a case by case basis. The information requested to support an application will be commensurate with the level of support being sought.

Where appropriate Council will refer customers to relevant counselling services for assistance.

Swan Hill Rural City Council's goal for customers experiencing hardship is to help them with their needs and to provide support through our hardship application. It is not Council's policy to provide financial support.

Decisions made on applications are subject to review by the Chief Executive Officer.

6. NON COMPLIANCE WITH AGREED OBLIGATIONS

Customers who do not adhere to their agreed obligations will be contacted and managed in accordance with regulatory obligations under the Local Government Legislation Amendment (Rating and Other Matters) Act 2022.

7. RELATED POLICIES/DOCUMENTS

POL/CORP204 Debt Collection Policy
Financial Hardship Application Form
Financial Hardship Application - Appeal Form
PRO/CORP234 Financial Hardship Procedure

8. RELATED LEGISLATION

Local Government Act 1989
Local Government Act 2020
Local Government Legislation Amendment (Rating and Other Matters) Act 2022

Financial Hardship Policy CPOL/CORP234		
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9. DOCUMENT HISTORY

Version Number	Issue Date	Description of Change
1.0	November 2014	Initial release
1.1	December 2015	Review
1.2	April 2019	Review
1.3	February 2023	Review

Signed: _____ Mayor Date: _____

Date Adopted	November 2014
Last reviewed	February 2023
Next review	February 2026
Responsible Officer	Customer Service and Revenue Coordinator

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



PROCEDURE TITLE FINANCIAL HARDSHIP PROCEDURE

PROCEDURE NUMBER PRO/CORP234

ENABLING POLICY

Financial hardship policy CPOL/CORP234

ENABLING LEGISLATION

Local Government Act 1989 and Local Government Act 2020 and Local Government Legislation Amendment (Rating and other matters) Act 2022

1. PURPOSE

The purpose of this procedure is to provide a broad definition for genuine financial hardship and outline the processes to be followed in actioning applications for Financial Hardship.

Council aims to:

- Provide assistance to customers, experiencing genuine financial hardship.
- Provide clearly defined guidelines for Council employees to effectively and consistently manage customer financial hardship applications.
- Detail a framework of available assistance options for financial hardship applications.

2. SCOPE

This procedure applies to all Council employees whom may receive applications for financial hardship.

3. PROCEDURE

3.1. Responsibilities

Employee Responsibilities

When assessing Financial Hardship Applications, employees must be extremely aware of the probable financial, emotional, physical or psychological difficulties that the Council client may be experiencing.

Employee responsibilities in Council's *Debt Collection Policy and Procedure POL/CORP204* also apply to this procedure.

Financial Hardship Procedure PRO/CORP234		
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3.2. Definition of Financial Hardship

A Council customer is regarded to be in financial hardship if their intention is to pay their Council debt but they do not have the financial capacity to make the payment(s) within the timeframe specified by Council.

The assessment may be made by Council employees, external assessment from an independent financial counsellor (e.g. Mallee Family Care), or self-assessment by the Customer.

Financial Hardship can arise from a variety of situations as noted in Council's Financial Hardship Policy at section 5. Common causes of hardship may include, but are not limited to: unemployment, ill health, separation, a family death, serious accident, family violence, substance abuse, gambling addiction, sudden income reduction, substantial unexpected expenses or other factors resulting in unforeseen change in the property owner/debtor's capacity to meet their payment obligations, whether through a reduction in income or through an increase in non-discretionary expenditure.

3.3. Management of Applications

All Financial Hardship applications, whether referred from a Council employee or an independent financial counsellor, are assessed in the first instance, by the relevant program manager and approved by the relevant Director. The assessment of the application should be actioned within 14 days of receipt. The result of the application is to be conveyed in writing to the applicant and the Customer Service and Revenue Co-ordinator.

The written response is to detail the appeal provision to the Chief Executive Officer. Determination of any appeal also needs to be actioned within 14 days of receipt. (Examples of the Hardship Application and Appeal document are provided as Attachments A and B).

3.4. Rates and Special Charges Scheme Debts

It is anticipated that financial hardship assistance will only be granted to individuals on their primary residence however, specific circumstances may arise where additional assistance is considered (i.e. flooding of farm land). If an application is made by an Incorporated Association Council may require a Financial Audit Statement from the Incorporated Association.

3.5. Types of assistance available

3.5.1. Existing Payment Arrangements

Renegotiate the amount, incidence or length of existing instalment arrangements. Interest amounts, if applicable, would continue to accrue.

3.5.2. Interest Reduction

Penalty interest on outstanding rate amounts is set by the Penalty Interest Act 1983 or is to be calculated at or below the rate fixed by the Minister under section 172A(1) of the Local Government Legislation Amendment (Rating and

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Other Matters) Act 2022. Interest on Special Rates and Charges and Loan/Lease Agreements are set at the time of raising these charges. Council may provide interest amount reductions, either in part or in full, for interest amounts raised; or

Council may provide for an agreed interest free period until payment is made.

Assistance for interest reduction would have regard to the demonstrated efforts of the ratepayer to meet past and current payment obligations. Assistance may be granted for short or long term cases.

3.5.3. Deferral of Payment

An account may be placed on hold for a set or indefinite period. This option would generally apply to long term cases of extreme financial hardship. There would need to be demonstrated long term issues which may affect the customer's ability to meet current and future commitments.

Any deferred payments are to be reviewed on a quarterly basis.

3.5.4. Waiver of Account

Section 171A of the Local Government Act 1989 allows Council to waive, in part, or in whole any rate or charge, or any interest imposed for late payment. For all other accounts, the waiver is authorised as per Council's Debt Collection Policy.

This provision is generally only used in circumstances of dire financial hardship, or where a commercial decision is made not to pursue a debt.

3.5.5. Formal Debt Collection Action

Formal debt collection actions are to be suspended during the financial hardship application and approval periods. Council may cancel a payment plan at any time of the person/business is not complying with the terms of the plan per Section 171B (7) of the Local Government Legislation Amendment (Rating and Other Matters) Act 2022.

3.6. External Referral Services

Council employees are able to direct ratepayers to online information services.

The Consumer Action Law Centre (www.consumeraction.org.au) is a not for profit provider of phone based financial counselling services. The financial counselling hotline can be reached on 1800 007 007. This free hotline is open from 09.30am to 4.00pm, Monday to Friday. The centre can also direct callers to their closest local in-person service.

Financial Counselling Australia has developed the www.debtsselfhelp.org.au website. The website provides letter templates, fact sheets, information on financial counselling services and a debt management self-help tool.

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Mallee Family Care, 229-235 Beveridge Street, Swan Hill, VIC, 3585, 5032 4479, provide a telephone financial hardship counselling service with their Mildura Office. Personal visitations may be arranged in Swan Hill depending on client requirements.

Rural Financial Counselling Service of Victoria North-West, Murray Mallee Region, 139 Lime Avenue, Mildura, VIC, 3500, Tel.No.1300 769 489, provide a personal contact financial hardship counselling service which is available on appointment.

Swan Hill Neighbourhood House, 89-100 Gray Street, Swan Hill VIC 3585, Tel. No. 5032 1549, provide no interest loans for low income families and individuals. There is a set of criteria for all loan application.

4. RELATED POLICIES/DOCUMENTS

POL/CORP204 Debt Collection Policy
Financial Hardship Application Form
Financial Hardship Application - Appeal Form

5. DOCUMENT HISTORY

Version Number	Issue Date	Description of Change
1.0	November 2014	Initial release
1.1	December 2015	Review
1.2	April 2019	Review
1.3	February 2023	Review

Signed: _____ CEO Date: _____

B.23.11 DEBT COLLECTION RECOMMENCEMENT

Responsible Officer: Director Corporate Services
File Number: S15-14-03
Attachments: Nil

Declarations of Interest:

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

Summary

This report is to update Councillors that Council intends to re-commence debt collection, which has been on hold since COVID-19 hit in March 2020.

Discussion

When COVID-19 hit in 2020 all debt collection was put on hold. Due to many lockdowns and Customers being stood down from their jobs, debt collection has not recommenced.

As COVID-19 restrictions have been lifted, customers have returned to work and the recent floods have subsided, Council believe it is now time to recommence our debt collection.

During the last 2 years;

- overdue Rates have increased from approximately 4% to 8%; and
- overdue Infringements have increased from approximately 10% to more than 20%.

As at 31 December 2022 the following debtors were outstanding:-

Rates	\$2,216,000	(inclusive of Fire Services Property Levy, Special rate etc.)
Sundry Debtors	\$548,000	

Council intend to take a similar approach to previous debt collection processes and also in readiness for the new Local Government Amendment (Rating Reform and Other Matters) Bill 2022 commencing 1 July 2023.

Revenue staff will make a courtesy phone call to rate & sundry debtor customers in arrears less than \$500 when time permits. For those owing \$500 & over Council's debt collection contractor will send a reminder letter (containing the option of setting up a payment plan and also advising of payment options). Followed by further reminder letters, SMS reminders and phone calls before assessing if further action is required.

Regulatory Services will recommence their Infringement/fines collection following the required Infringement legislation.

SECTION B - REPORTS

21 February 2023

There are approximately 640 Rate Assessments with arrears over \$500. It is therefore unviable for Revenue Staff to contact them all by phone. From past debt collection, customers have been more responsive to written correspondence rather than a phone call. Many customers in arrears are very embarrassed and do not wish to discuss via a phone call. We have also found that customers make a commitment via the phone call as they are on the spot, but they never follow up with that commitment.

When rates are raised for a new financial year, all rates outstanding automatically sit as an "arrear" regardless of their age. The approximate amount outstanding in years are as follows:-

1 Year	297,050.00
2 Years	357,694.00
3 Years	439,026.00
4 Years	370,426.00
5 Years	253,285.00
6 Years	158,524.00
7 Years	115,600.00
8 Years	52,356.00
9 Years	7,039.00
10 Years	165,000.00

Debt breakdown is:

General Rates	1,691,111.00
Swan Hill Inc. Marketing Levy	6,990.00
Garbage charges	293,002.00
Fire Services Property Levy	224,897.00

Overall collection rate with previous debt collection activity is approximately 86%, with approximately 31% collected within the first 6 weeks of correspondence being sent out to Customers. We do not generally write off a debt unless it has been coded as an abandoned property by the Valuer. These properties are mainly of little or no value (less than \$5,000) and if they were to end up on a Rate Recovery Sale Council would not cover the expenses if they were to sell it. If a debt is small it will potentially be put on hold until the following year and if still not paid it may then be worth pursuing.

Consultation

- Executive Leadership Team on 10 October 2022
- Councillor Assembly on 08 November 2022
- Councillor Assembly on 07 February 2023

Financial Implications

Collection of outstanding debt will have a positive impact on council's cash flow.

Social Implications

Council's revenue covers all aspects of Council operations and therefore loss of revenue impacts social, environment and economic outcomes.

Economic Implications

As above.

Environmental Implications

Not applicable.

Risk Management Implications

Increased financial risk as Council carries debt on behalf of ratepayers and customers.

Council Plan Strategy Addressed

Leadership - Excellent management and administration.

Options

Council may choose to adopt or amend the recommendation.

Recommendation

That Council recommences debt collection which will provide a positive effect on Council's cash flow.

10/23 Motion

MOVED Cr McKay

That Council recommences debt collection which will provide a positive effect on Council's cash flow.

SECONDED Cr Jeffery

The Motion was put and CARRIED

SECTION C – DECISIONS WHICH NEED ACTION/RATIFICATION

C.23.1 COUNCILLOR ASSEMBLIES - RECORD OF ATTENDANCE AND AGENDA ITEMS

Responsible Officer: Chief Executive Officer
File Number: S15-05-06
Attachments: 1 [↓](#) Councillor Attendance and Agenda items

Declarations of Interest:

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

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.

Consultation

Not applicable.

Financial Implications

Not applicable.

Social Implications

Not applicable.

Economic Implications

Not applicable.

DECISIONS WHICH NEED ACTION/RATIFICATION

21 February 2023

Environmental Implications

Not applicable.

Risk Management Implications

Not applicable.

Council Plan Strategy Addressed

Leadership - Bold leadership, strong partnerships and effective advocacy.

Options

Council Assemblies are reported to ensure good governance and transparency.

Recommendation

That Council note the contents of the report.

11/23 Motion

MOVED Cr McKay

That Council note the contents of the report.

SECONDED Cr King

The Motion was put and CARRIED

COUNCILLOR ASSEMBLIES ATTENDANCE AND AGENDA
17 January 2023 at 1.00pm, Swan Hill Town Hall – Council Chambers

AGENDA ITEMS

- Australia Day community events
- Media Policy
- Cultural and Tourism Hub and the Art Gallery buildings update
- Annual Report Summary
- Tower Hill sales
- Spoons update
- Process and responsibilities – planning applications
- Application for higher rate capping
- Motorplex Drag Strip Discussion/Robinvale Caravan Park
- International Relations Policy

ADDITIONAL ITEMS DISCUSSED

- Nil

ATTENDANCE

Councillors

- Cr Nicole McKay
- Cr Bill Moar
- Cr Stuart King
- Cr Les McPhee

Apologies

- Cr Chris Jeffery
- Cr Ann Young

Leave of Absence

- Nil

OFFICERS

- Scott Barber, Chief Executive Officer
- Bhan Pratap, Director Corporate Services
- Heather Green, Director Development and Planning
- Sharon Lindsay, Executive Assistant
- Sarah Rogers, Economic Development and Events Officer
- Helen Morris, Organisation Manager
- Brooke O'Connor, Community Engagement & Communications Coordinator
- Jess Chislett, Procurement and Properties Coordinator
- Kate Jewell, Development Manager

Other

Nil

CONFLICT OF INTEREST

Nil

COUNCILLOR ASSEMBLIES ATTENDANCE AND AGENDA
24 January 2023 at 1.00pm, Swan Hill Town Hall – Council Chambers

AGENDA ITEMS

- Appointment of Councillors to outside organisations and community groups
- Farming Zone Planning Applications
- VIC relocation
- Art Gallery and Cultural Tourism Hub two buildings update
- Waste Management Resourcing

ADDITIONAL ITEMS DISCUSSED

- Nil

ATTENDANCE

Councillors

- Cr Nicole McKay
- Cr Bill Moar
- Cr Stuart King
- Cr Ann Young
- Cr Les McPhee
- Cr Chris Jeffery
- Cr Jacquie Kelly

Apologies

- Nil

Leave of Absence

- Nil

OFFICERS

- Scott Barber, Chief Executive Officer
- Bruce Myers, Director Community & Cultural Services
- John McLinden, Acting Director Infrastructure
- Bhan Pratap, Director Corporate Services
- Kate Jewell, Development Manager
- Dione Heppell, Liveability and Project Development Coordinator

Other

- Nil

CONFLICT OF INTEREST

Nil

COUNCILLOR ASSEMBLIES ATTENDANCE AND AGENDA
7 February 2023 at 1.00pm, Swan Hill Town Hall – Council Chambers

AGENDA ITEMS

- Coffee with a Councillor
- KSI report
- Financial Hardship Policy and Debt Collection information
- Major projects update (December quarter)

ADDITIONAL ITEMS DISCUSSED

- Lake Boga Catalina Café Lease

ATTENDANCE

Councillors

- Cr Nicole McKay
- Cr Bill Moar
- Cr Stuart King
- Cr Ann Young
- Cr Les McPhee
- Cr Chris Jeffery
- Cr Jacquie Kelly

Apologies

- Nil

Leave of Absence

- Nil

OFFICERS

- Scott Barber, Chief Executive Officer
- Laura O'Dwyer, Acting Director Infrastructure
- Heather Green, Director Development and Planning (attended virtually)
- Bhan Pratap, Director Corporate Services
- Helen Morris, Organisation Manager
- Rachel Bibby, Communication Officer
- Azam Suleman, PMO Manager
- Jess Chislett, Procurement and Properties Coordinator

Other

- Nil

CONFLICT OF INTEREST

Nil

COUNCILLOR ASSEMBLIES ATTENDANCE AND AGENDA
14 February 2023 at 1.00pm, Swan Hill Town Hall – Council Chambers

AGENDA ITEMS

- Lake Boga Catalina Café Lease
- St Mary MacKillop Development Plans
- Economic Development Strategy
- Victorian Murray Floodplain Restoration Project (VMFRP)
- Brief Discussion with Council at Assembly - Budget Process & Community Consultation

ADDITIONAL ITEMS DISCUSSED

- Weed Warriors
- Customer Satisfaction Survey

ATTENDANCE

Councillors

- Cr Nicole McKay
- Cr Bill Moar
- Cr Stuart King (attended virtually)
- Cr Ann Young
- Cr Les McPhee
- Cr Chris Jeffery
- Cr Jacquie Kelly

Apologies

- Nil

Leave of Absence

- Nil

OFFICERS

- Scott Barber, Chief Executive Officer
- Bruce Myers, Director Community and Cultural Services
- John McLinden, Acting Director Infrastructure
- Heather Green, Director Development and Planning
- Bhan Pratap, Director Corporate Services
- Dennis Hovenden, Economic & Development Manager
- Nathan Keighran, Economic Development Coordinator
- Ash Free, Finance Officer
- Jess Chislett, Procurement and Properties Coordinator
- Nick Mudge, Environment and Sustainability Officer

Other

- Michelle Haeusler and David Rush, St Mary's MacKillop
- Josh White and Belinda Fitzgerald and James Kellerman – (VMFRP)
- Sue Anderson - consultant

CONFLICT OF INTEREST

Nil

C.23.2 SIGN & SEAL REPORT

Responsible Officer: Chief Executive Officer

Attachments: Nil.

Declarations of Interest:

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

Summary

The following documents and agreements have been signed and sealed by the Councillors and the Chief Executive Officer on the respective dates. Those actions require the ratification of the Council.

Discussion

During the course of any month Council is required to sign and seal a range of documents arising from decisions made on a previous occasion(s). Examples include sale of land, entering into funding arrangements for Council programs etc.

As the decision to enter into these agreements has already been made, these documents are signed and sealed when received, with Council ratifying the signing and sealing at the next Council meeting.

The following documents were signed and sealed since the last Council meeting:

No.	Document Type	Document Description	Date signed/ sealed
1123	Event of the Year – Australia Day	Citation	24/01/23
1124	Young Citizen of the Year – Australia Day	Citation	24/01/23
1125	Citizen of the Year – Australia Day	Citation	24/01/23
1126	Deed of Renewal – 37 Pump Road, Robinvale	Between Swan Hill Rural City Council and P.Williams	24/01/23
1127	Deed of renewal – Office 3 Robinvale Resource Centre	Between Swan Hill Rural City Council and Southern Cross Business Advisors	24/01/23

DECISIONS WHICH NEED ACTION/RATIFICATION

21 February 2023

1128	Deed of variation – Sunraysia Mallee Ethnic Communities Council, Office 12 Robinvale Resource Centre	Between Swan Hill Rural City Council and Sunraysia Mallee Ethnic Communities Council	14/02/23
1129	Section 173 Agreement – installation of pipes in road reserve R & M Property P/L Woorinen Road.	Between Swan Hill Rural City Council and R & M Property P/L	14/02/23
1130	Lease – Community Axis Enterprises Incorporated – public toilets at the building currently known as the Visitor Information Centre	Between Swan Hill Rural City Council and Community Axis Enterprises Incorporated	14/02/23
1131	Deed of Renewal – lease Boundary Bend Progress Association	Between Swan Hill Rural City Council and Boundary Bend Progress Association	14/02/23

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 are named after Section 173 of the Planning and Environment Act 1987.

Conclusion

Council authorise the signing and sealing of the above documents.

Recommendation

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

12/23 Motion

MOVED Cr Jeffery

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

SECONDED Cr King

The Motion was put and CARRIED

SECTION D – NOTICES OF MOTION

D.23.1 BUILDING SURVEYOR RESOURCING

Having given due notice, **Councillor Stuart King MOVED that:**

Council write to the relevant State Minister and lobby our local MLA The Member for Murray Plains, The Hon Peter Walsh MP to advocate for expediting Building Surveyor qualifications for a Council staff member.

Preamble

Councils building team plays an integral role in the development of the municipality through the issuing of building permits and ensuring compliance with regulations that seek safety and amenity. There is an Australia wide shortage of building surveyors and a key employee of Council sought registration as a Building Surveyor - Limited in September last year and is yet to be registered. The employee is currently a building inspector being employed by Council for over 4 years and has completed all of his requirements to be registered with the Victorian Building Authority (VBA). Council has expressed the urgency of this registration with the VBA but to date his application has not progressed.

13/23

MOVED Cr King

Having given due notice, **Councillor Stuart King MOVED that:**

Council write to the relevant State Minister and lobby our local MLA The Member for Murray Plains, The Hon Peter Walsh MP to advocate for expediting Building Surveyor qualifications for a Council staff member.

SECONDED Cr Jeffery

The Motion was put and CARRIED

SECTION E – FORESHADOWED ITEMS

Nil

SECTION F – URGENT ITEMS NOT INCLUDED IN AGENDA

14/23 Motion

MOVED Cr McKay

That Council accept this item as urgent business.

SECONDED Cr Moar

The Motion was put and CARRIED

15/23 Motion

MOVED Cr Kelly

That Council write a letter of condolence to Villers-Bretonneux from Swan Hill Rural City Council on the passing of Dr Hubert Lelieur.

SECONDED Cr McKay

The Motion was put and CARRIED

SECTION G – TO CONSIDER & ORDER ON COUNCILLOR REPORTS

Councillor Stuart King list of events / meetings attended

Date	Organisation / Group	Details (if relevant)
18/02/23	Tourism and Cultural Hub Building Community Consultation	Open & Welcome the Community Consultation Session with Julie Reid
6/2/23	REBA	Ordinary General Meeting
26/1/23	Piangil / Tooleybuc Australia Day Breakfast	
26/1/23	Manangatang Improvement Group - Australia Day Breakfast	Presented Alannah Taylor with Young Citizen of the Year Award
24/1/23	Tyntynder Football Netball Club	Attended Committee Meeting to discuss Rec Reserve Master Plan
16/1/23	Swan Hill Drag Club	On site meeting to discuss future possibilities

Councillor Nicole McKay list of events / meetings attended

Date	Organisation / Group	Details (if relevant)
03/02/23	2050 Vision Workshop	
04/02/23	Art Gallery re-development consultation	
06/02/23	VMFRP Community Referee Group	
06/02/23	Nyah District Action Group Meeting	
26/01/23	Australia Day Events at Nyah West and Robinvale/Euston	
15/02/23	Opened Murray Region CWA conference	

Councillor Ann Young list events / meetings attended

Date	Organisation / Group	Details (if relevant)
30/01/2023	Art Gallery Committee	AGM and General Meeting
7/02/2023	Town Hall	Performance and overview
3 & 17/02/2023	SHRC Vision Workshops	2,050 Vision
17/03/2023	Town Hall	Round the Circle - 13 artists performed - Excellent event

Councillor Chris Jeffery list events / meetings attended

Date	Organisation / Group	Details (if relevant)
19/02/2023	Coffee with a Councillor	

Councillor Bill Moar list events / meetings attended

Date	Organisation / Group	Details (if relevant)
31/01/2023	Saleyards committee	
7/02/2023	Town Hall Season Launch	
16/02/2023	Our Place consultation (Town Hall) – Tourism and Cultural Hub	

Cr Les McPhee list events / meetings attended

Date	Organisation / Group	Details (if relevant)
8/01/2023	Australian Seniors Tennis Tournament	Official Opening at Town Hall
09/01/2023	Mayor/CEO meeting	
12/01/2023	North West Municipal Association	Meeting
13/01/2023	Australian Seniors Tennis Tournament	Presentation and dinner
16/01/2023	VEC Countback	To fill vacant Councillor position with Jade Benham resigning
16/01/2023	Mayor/CEO meeting	
16/01/2023	Meeting with Swan Hill Drag Racing club	Update on dragstrip
17/01/2023	Interview with Trent Rose	
21/01/2023	Meeting with Cr Jacquie Kelly	
23/01/2023	Mayor/CEO meeting	
23/01/2023	Meeting with Steve Spry and Andy Millar	
25/01/2023	Freemasons Lodge Scholarship Presentations	
26/01/2023	Australia Day Citizenship ceremony at Swan Hill and Robinvale	
31/01/2023	Mayor/CEO meeting	
1/02/2023	Robinvale visit	
2/02/2023	Art Gallery Redevelopment focus Group	
2/02/2023	Interview with Trent Rose	
3/02/2023	2050 Vision workshop	
6/02/2023	Swan Hill Primary School - School Captains badges presentation	

6/02/2023	Mayor/CEO meeting	
7/02/2023	Town hall Season Launch	
7/02/2023	Resident and Ratepayers meeting	
7/02/2023	Piangil Community meeting	
13/02/2023	Nyah District Primary School - School Captain Badges presentation	
14/02/2023	Mayor/CEO meeting	
14/02/2023	Interview with Tent Rose	
15/02/2023	Robinvale Health Roundtable	
17/02/2023	2050 Vision workshop	
20/02/2023	Interview with Ace Radio	
20/02/2023	Woorinen District Primary School - School Captain Badges Presentation	
20/02/2023	Meeting with Ken Westmore	
20/02/2023	Mayor/CEO meeting	

SECTION H – IN CAMERA ITEMS

Nil.

There being no further business the Mayor, Councillor Les McPhee closed the meeting at 4.23pm.