



# Minutes

## Scheduled Council Meeting

Tuesday 17 December 2024

to be held at 2:00 PM

Council Chambers

Swan Hill Town Hall

53 – 57 McCallum Street, Swan Hill. VIC 3585

Confirmed 18 February 2025

Chairperson.....

### Public Access

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



## Vision Statement

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

## Our Mission

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

## Our Values

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

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

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

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

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

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

## Table of Contents

<b>1</b>	<b>Procedural Matters .....</b>	<b>5</b>
1.1	Welcome .....	5
1.2	Acknowledgement Of Country .....	5
1.3	Opening Declaration .....	5
1.4	Apologies / Leaves of Absence.....	5
1.5	Directors / Officers Present.....	5
1.6	Confirmation of Minutes .....	5
1.7	Disclosures of Conflict of Interest.....	6
1.8	Joint Letters and Reading of Petitions .....	6
1.8.1	Joint Letter - Campbell Street Pedestrian crossings .....	6
1.9	Public Questions Time .....	19
1.10	Open Forum .....	19
<b>2</b>	<b>Officer Reports for Decision.....</b>	<b>20</b>
2.1	Council Plan Progress Report.....	20
2.2	2023/24 Rates Surplus.....	52
2.3	Quarterly Review of Financial Performance and Financial Position to 30 September 2024.....	57
2.4	Prevention of Sexual Harassment Policy .....	61
2.5	Event Support Program - Requests for Funding .....	74
2.6	Australia Day 2025.....	78
2.7	Planning Application - 9 Gummow Street SH - Development of Two Dwellings and Subdivision of Land (2 lots) in the GRZ .....	81
2.8	Amendment of Section 173 Agreement - 52 Little Murray Weir .....	125
2.9	Refusal of Extension of Time application - 27 River Road SWAN HILL ....	160
<b>3</b>	<b>Officer Report for Noting .....</b>	<b>178</b>
<b>4</b>	<b>Decisions Which Need Action / Ratification .....</b>	<b>178</b>

4.1	Sign and Seal.....	178
4.2	Councillor Assemblies - Record of Attendance and Agenda Items.....	180
<b>5</b>	<b>Notices of Motion.....</b>	<b>185</b>
<b>6</b>	<b>Foreshadowed Items .....</b>	<b>185</b>
<b>7</b>	<b>Urgent Items Not Included In Agenda.....</b>	<b>185</b>
<b>8</b>	<b>To Consider and Order on Councillor Reports.....</b>	<b>185</b>
8.1	Cr Les McPhee .....	185
8.2	Cr Philip Englefield .....	185
8.3	Cr Lindsay Rogers .....	186
8.4	Cr Terry Jennings.....	186
8.5	Cr Peta Thornton.....	186
8.6	Cr Stuart King.....	186
8.7	Cr Hugh Broad .....	187
<b>9</b>	<b>In-Camera Items.....</b>	<b>188</b>
<b>10</b>	<b>Close of Meeting .....</b>	<b>189</b>



## 1 Procedural Matters

### 1.1 Welcome

Mayor, Councillor Cr King assumed the chair and declared the Scheduled Council Meeting - 17 December 2024 open at 2:01 pm

### 1.2 Acknowledgement Of Country

Mayor, Councillor Cr King read the Acknowledgement of Country.

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

### 1.3 Opening Declaration

Cr McPhee read the prayer.

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

### 1.4 Apologies / Leaves of Absence

Nil.

### 1.5 Directors / Officers Present

Scott Barber, Chief Executive Officer  
Michelle Grainger, Director Development and Planning  
Bruce Myers, Director of Community and Cultural Services  
Bhan Pratap, Director of Corporate Services  
Leah Johnston, Director of Infrastructure  
Sharon Lindsay, Executive Assistant

### 1.6 Confirmation of Minutes

#### 1.6.1 Confirmation of Minutes

**Recommendation/s**

**That the minutes of the Scheduled Council Meeting held on the 26 November 2024 be confirmed.**

**CM 2024/206 Motion****MOVED Cr Jennings**

**That the minutes of the Scheduled Council Meeting held on the 26 November 2024 be confirmed.**

**SECONDED Cr Thornton**

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

**1.7 Disclosures of Conflict of Interest**

Cr Rogers declared an indirect conflict of interest in items "2.8 Amendment of Section 173 Agreement - 52 Little Murray" and "2.9 Refusal of Extension of Time application - 27 River Road Swan Hill" due to close associations.

Cr Jennings declared an indirect conflict of interest in the in-camera item "Strategic Land acquisition" because of conflicting duties with his hospital position.

**1.8 Joint Letters and Reading of Petitions****1.8.1 Joint Letter - Campbell Street Pedestrian crossings**

**Responsible Officer:** Chief Executive Officer

**Declarations of Interest:**

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

**Summary**

On 8 December 2024, Council received correspondence from Darren Scott expressing concerns in relation to the "Campbell Street Pedestrian crossings" (attached).

The submitted document contains 108 names, signatures and phone numbers. However, as per **Council's Governance Rules section 7.21.(2) e**, a petition must include the names, addresses and original signatures of at least 10 people. As addresses were not provided, it technically is not considered as a petition, but rather as a joint letter, however is generally handled in the same manner.

The governance rules also stipulate that the Chief Executive Officer must present all petitions and joint letters to Council on the agenda at the next available Council meeting. The joint letter is then received by Council and a response will then be prepared.

**Attachments:** 1. Petition Campbell Street Pedestrian crossing redacted [1.8.1.1 - 11 pages]

**Recommendation/s**

**That Council:**

- receive the joint letter; and
- ask the Chief Executive Officer or relevant director to consider and write a response.

**CM 2024/207 Motion**

**MOVED Cr Rogers**

**That Council:**

- receive the joint letter; and
- ask the Chief Executive Officer or relevant director to consider and write a response.

**SECONDED Cr Englefield**

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

TO SWAN HILL RURAL CITY COUNCIL

I have a business at the northern end of Campbell St.

Our door is directly opposite the pedestrian crossing.

We constantly see near misses with pedestrian being hit and one occasion a MOBILTY SCOOTER was actually struck.

I have the vision on my security which I have shared with two councillors. If you would like to see it please come in to my store to view or I can send a copy.

My recommendation would be

Flashing lights and a rumble strip on the road on the approach to the crossing. On the northern there is an electricity access point right at the crossing.

Some of the standing structures could also be removed such as trees that are too big(should have never been planted)

It is not a matter of if, but when someone is going to be injured or killed. **Lets do something about it before some is injured or killed**

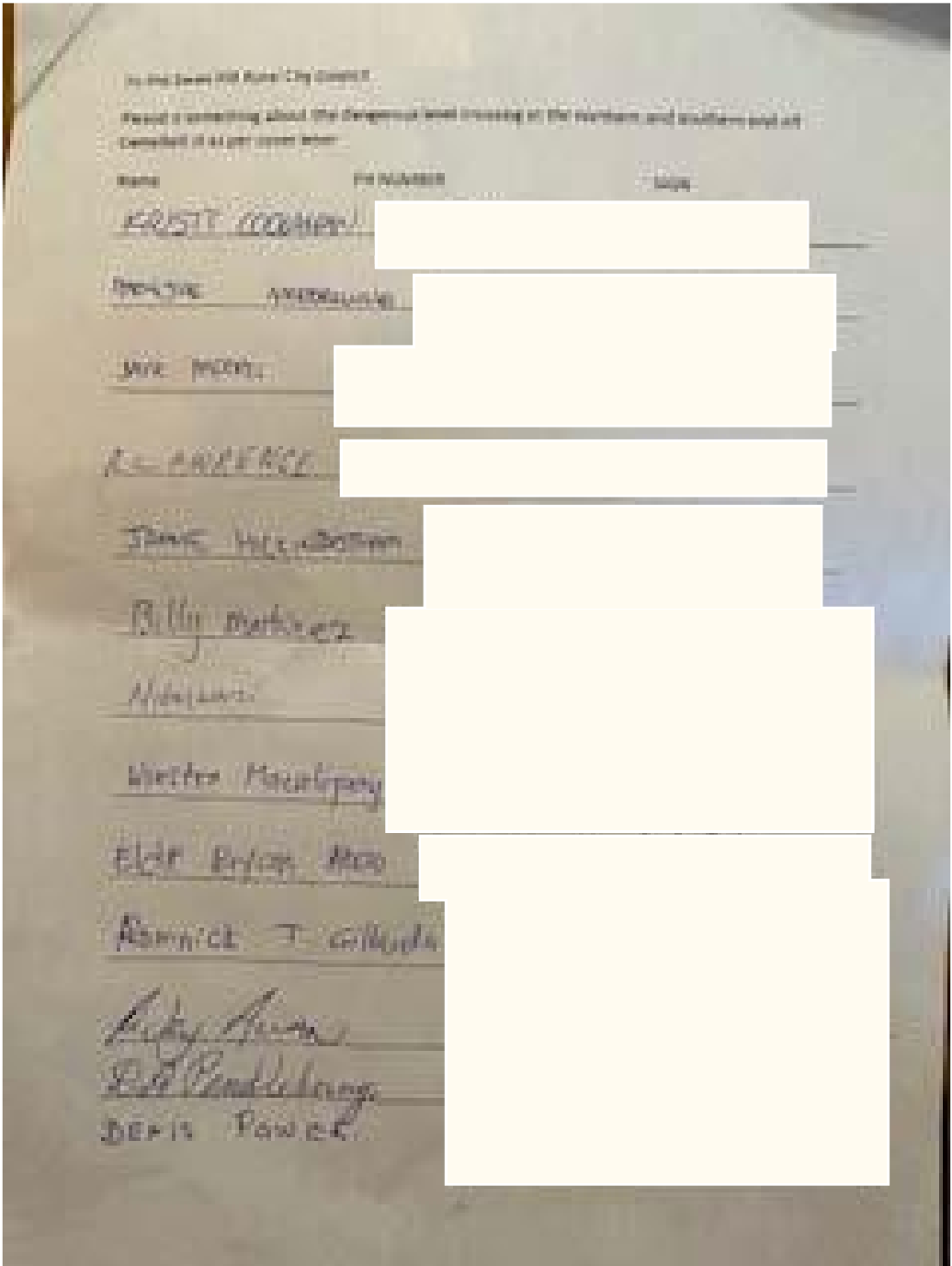
I also know the crossing at the southern end is the same and was recently in the local paper with a story about a lady who did get hit.

I have also provided a petition including surrounding business who have to witness the near misses daily

Regards

Darren Scott





To the Town of Rural City Council

Please something about the dangerous level crossing at the northern and southern end of  
Completed at in per cover letter

Name	THE NUMBER	DATE
Neil Hawley		
John Hodge		
K Telford		
Harriet Dunn		
Lion Stone		
Chris Stone		
Steve Hodge		
Mr. Martin		
Ben Fennell		
Ben Hodge		
Geoff Coad		
Pro. Michael		

To the Town of Rural City Council

Re: something about the dangerous level crossing at the northern and southern end of Campbell St as per cover letter

Name	FN NUMBER	SIGN
Mark		
Adrian		
Roni		
Marge		
Andrew		
Peter Martine		
MIMI		
MIMI		
Jack chipe		
Paula Pore		
Kevin Ruddy		
Matthew Pore		
Bob Atwood		

For the Town and Rural Department

Please something about the dangerous level crossing at the northern and southern end of

Complete it as per cover sheet

Name	For the Town and Rural Department	Notes
Carol Mitchell		
Ben Gode		
Blake		
Natalie		
Vivian		
Sharon P		
Heidi		
Joanne Brown		
Mr. Vassili		
David M. M.		
David M. M.		
Chris Price		
John TRIPPA		
Heidi TRIPPA		



To the Town of Haverhill Council

Please something about the dangerous road crossing of the northern and southern and all

Completed it as per other letter

Name	Signature	Date
Tom	[Redacted]	[Redacted]
John	[Redacted]	[Redacted]
Don	[Redacted]	[Redacted]
Fish	[Redacted]	[Redacted]
Mike	[Redacted]	[Redacted]
Steve	[Redacted]	[Redacted]
Dan	[Redacted]	[Redacted]
John	[Redacted]	[Redacted]
Peter Pincus	[Redacted]	[Redacted]
Jeff S. 304	[Redacted]	[Redacted]
Jeff S. 304	[Redacted]	[Redacted]
Bryan Smith	[Redacted]	[Redacted]
Paul Pincus	[Redacted]	[Redacted]
Jason Smith	[Redacted]	[Redacted]
Paul Pincus	[Redacted]	[Redacted]

[illegible]

To the best of your knowledge

Please comment about the dangerous level crossing at the northern and southern end of

Completed at or post meeting

Name

TELEPHONE

EMAIL

Jayne Pox

Basil Luan

Sue Fox

Norma Lillington

Anthony S. Harty

Christine O'Connell

John Hynes

Graff Hynes

Bethany George

CHRISTIE BROWN

Jane Scott

Patrick O'Connell

To the Mayor and Council

Please do something about the dangerous level crossing at the northern and southern end of Campbell st as per cover letter

Name	Phone Number	Signature
J. HADGICH		
Wayne Smith		
David Old		
S. DeMarco		
L. Mott		
J. DeMarco		
J. Parzica		
J. M. Kline		
J. B. Kline		
J. K. Kruger		
J. K. Kruger		
C. HILTON		
M. McCaskey		





To the South Hill Rural City Council

Please do something about the dangerous level crossing at the northern end and southern end off Campbell St as per council letter

Name: Joe Peng no subject to date

Nguyen Huu

Glen Munn Commercial 12/11

Uthman Commercial 12/11

Frank Galle

Walter M'Donald

Dean M. Morahan Commercial 12/11

Tara Linn

Tara Linn

DAN CROOKMAN

RUSSELL WATSON

Sharon Chisholm

[illegible]

## 1.9 Public Questions Time

### CM 2024/208 MOTION

**MOVED** Cr Rogers

That standing orders be suspended at 2:06 pm.

**SECONDED** Cr Jennings

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

**Name:** Dean Hurlston

**Question:** What is the approximate cost per public COUNCIL meeting FOR Councillor and Staff MEALS, REFRESHMENTS AND BEVERAGES? (If applicable).

**Answer:** The Chief Executive Officer, Scott Barber thanked Mr Hurlston for his question and responded that the answer was nil cost.

### CM 2024/209 MOTION

**MOVED** Cr McPhee

That standing orders be resumed at 2:07 pm.

**SECONDED** Cr Broad

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

## 1.10 Open Forum

Nil.

## 2 Officer Reports for Decision

### 2.1 Council Plan Progress Report

**Directorate:** Corporate Services

**File Number:** S16-28-06

**Purpose:** For Decision

#### Council Plan Strategy Addressed

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

##### 4.1 Excellent management and administration

4.1.3 Sound, sustainable:

- Financial management • Excellence in service delivery • Strategic planning

#### Current Strategic Documents

Council Plan

#### Declarations of Interest

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

#### Summary

The purpose of this report is to discuss and review Council's performance against the Council Plan 2021-2025.

This quarterly progress report provides an update on progress against the four Council Plan pillars — Liveability, Prosperity, Harmony and Leadership, and the 110 actions in the Council Plan.

The period reported is from 1 July 2024 to 30 September 2024.

#### Legislative obligation

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 achieve Council's and the community's vision for the municipality.

Local Government elections were held in October 2024, and in accordance with; section 90 (3), the Council must develop or review the Council Plan in accordance with its deliberative engagement practices and adopt the Council Plan by 31 October



in the year following a general election. A revised or new Council Plan is due to be completed by 31 October 2025.

### Progress to 30 September 2024

The Council Plan has four strategic pillars which represent the strategic direction to achieve the Community's Vision. The plan consists of strategic objectives, initiatives to achieve these, and 110 supporting actions to deliver the Council Plan.

The attached report shows the status of progress of the 110 actions against each of the four strategic pillars on 30 September 2024. Of the 110 actions, 56 per cent are Complete or Complete and Ongoing, 3 per cent are in the planning stage, and 41 per cent are in progress. Percentage progress against each pillar is shown below.

Progress Report	Liveability	Prosperity	Harmony	Leadership
Complete	9%	21%	0%	4%
Complete & Ongoing	37%	26%	48%	81%
In Progress	51%	48%	48%	15%
In Planning	3%	5%	4%	0%

### Consultation

Responsible Officers provided commentary against strategic action progress. These comments were reviewed by the Executive Leadership Team.

### Financial Implications

Achievement of Council Plan actions is part of Councils strategic planning framework which includes the Long-Term Financial Plan and Annual Budget.

### Social Implications

The Council Plan contains specific objectives and actions to improve social and community wellbeing outcomes.

### Economic Implications

The Council Plan contains specific objectives and actions to improve economic outcomes.

### Environmental Implications

The Council Plan contains specific objectives and actions to improve environmental outcomes.

**Risk Management Implications**

Failure to monitor the risks to achieving the Council Plan may result in poor outcomes and unintended adverse consequences.

**Attachments:** 1. Council Plan Progress Report SEPT 2024 2 (2) [2.1.1 - 29 pages]

**Options**

1. That Council approves the release of the Council Plan Progress Report September 2024, as presented, to the community.
2. That Council does not approve the release of the Council Plan Progress Report September 2024, as presented, to the community.

**Recommendation/s**

**That Council approves the release of the Council Plan Progress Report September 2024, as presented, to the community.**

**CM 2024/210 Motion****MOVED Cr Thornton**

**That Council approves the release of the Council Plan Progress Report September 2024, as presented, to the community.**

**SECONDED Cr McPhee**

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

# COUNCIL PLAN

## PROGRESS REPORT – SEPTEMBER 2024



# CONTENTS

Introduction	2
Overall results snapshot	3
<b>Strategic Pillars</b>	4
<i>Liveability</i>	5
<i>Prosperity</i>	11
<i>Harmony</i>	16
<i>Leadership</i>	21

# 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.

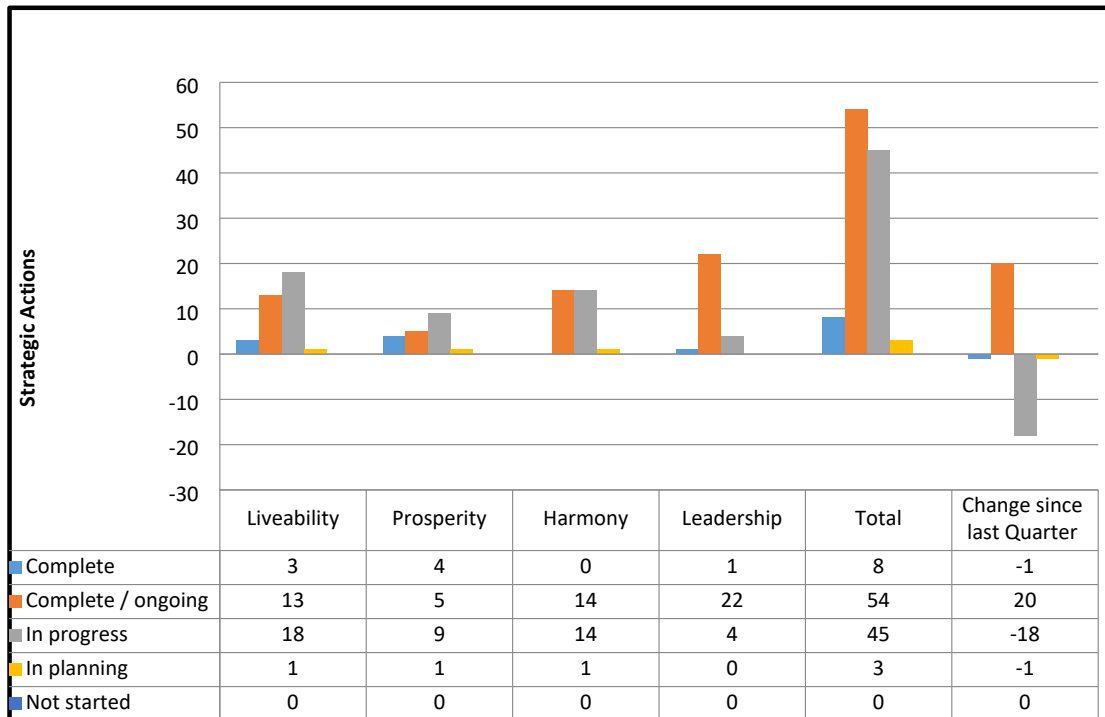


Not started - actions that have not been commenced at the time of reporting.

# 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. The table below shows the progress of the Council Plan actions to 30 September 2024.



The chart above shows that the majority of actions (56 per cent) are either Complete or Complete and Ongoing. At 30 September 2024:

- 46 per cent of actions to achieve liveability are Complete or Complete and Ongoing
- 47 per cent of actions to achieve prosperity are Complete or Complete and Ongoing
- 48 per cent of actions to achieve harmony are Complete or Complete and Ongoing
- 85 per cent of actions to achieve leadership are Complete or Complete and Ongoing
- 32 per cent of all actions are under the liveability pillar
- 40 per cent of all the actions in progress are under the liveability pillar
- 3 per cent of actions are still in the planning stage – these are the development of:
  - the Boundary Bend Riverfront Masterplan
  - the Pioneer Settlement Strategic Plan
  - a Building Safer Communities Program.

# 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.**
















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









### Liveability








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 	Community Consultation has been completed with the affected landowners. Consultation was also done with the external departments.
	1.1.1.2. Complete stage 1 of Vibrant Villages project	2021/22	Complete 	Completed
	1.1.1.3. Continue to implement relevant actions of the Swan Hill Riverfront Masterplan.	2021-2025	In Progress 	Funding successfully sourced for further development of overpass concept. Community consultation has been completed for ten steps and Swan Hill Riverfront Mooring Platform and bank restoration.
	1.1.1.4. Complete and implement the Robinvale Riverfront Masterplan	2021-2025	In Progress 	Playground equipment tender awarded, remaining contract components have been readvertised. Robinvale Dog Park design completed and funding being sourced. Final design for Robinvale Riverfront completed and awaiting final approvals.
	1.1.1.5. Develop Nyah Riverfront Masterplan	2021/22	Complete 	Nyah West Project completed.
	1.1.1.6. Develop Boundary Bend Riverfront Masterplan (Pending funding)	2022-2025	In Planning 	Scope of works to be developed for consideration in the 25/26 budget. Further investigation into the Boundary Bend (BB) Community Plan items has led to the realisation around areas of responsibility and asset ownership. Council will advocate on behalf of the BB Community to the relevant authorities for improvements to the riverfront.






	1.1.1.7. Develop a Small Town Strategy	2022/23	Complete and Ongoing 	Implementing Small Town Strategy having regard to Housing Summit outcomes.
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 of development or sale. For example Feldtmann Lane, Swan Hill, Herbert St, Robinvale 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 	Construction of the four houses is on track to be completed November 2024. A real estate agent has been engaged to assist Council with the sale of the houses once construction is complete.
	1.1.2.3. Continue to Implement the Robinvale housing strategy	2021-2025	Complete and Ongoing 	Housing Action: Greater Swan Hill established and working well, including 3 task focussed groups.
	1.1.2.4. Continue development of Tower Hill stages	2021-2025	In Progress 	Nine lots remain available in stage 14, 1 lot is currently under offer. Tower Hill Stage 15 (25 lots) release will be available for sale on October 29, 2024, Titles will be available end of 2024 or early 2025
	1.1.2.5. Assist South West Development Precinct developers	2021-2025	Complete and Ongoing 	Council continues to assist developers as required, in order to deliver the best outcomes for the community.
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 	Integrated Transport and Land Use Strategy has commenced. Community consultation has taken place and public transport was raised as an issue, which will be reviewed further as part of the strategy.
	1.1.3.2. Advocate for the completion of the Murray Basin Rail Project	2021-2025	In Progress 	Council continues to be a member of the Rail Freight Alliance.
	1.1.3.3. Advocate for the continual improvement of the Murray Valley Highway and upgrade of the Robinvale Sea Lake Road	2021-2025	Complete and Ongoing 	Council continues to advocate on behalf of the community, to the Department of Transport and Planning, as opportunities arise.
	1.1.3.4. Actively participate in the Central Murray Regional Transport Forum	2021-2025	Complete and Ongoing 	Council continues to actively participate in the Central Murray Regional Transport Forum.

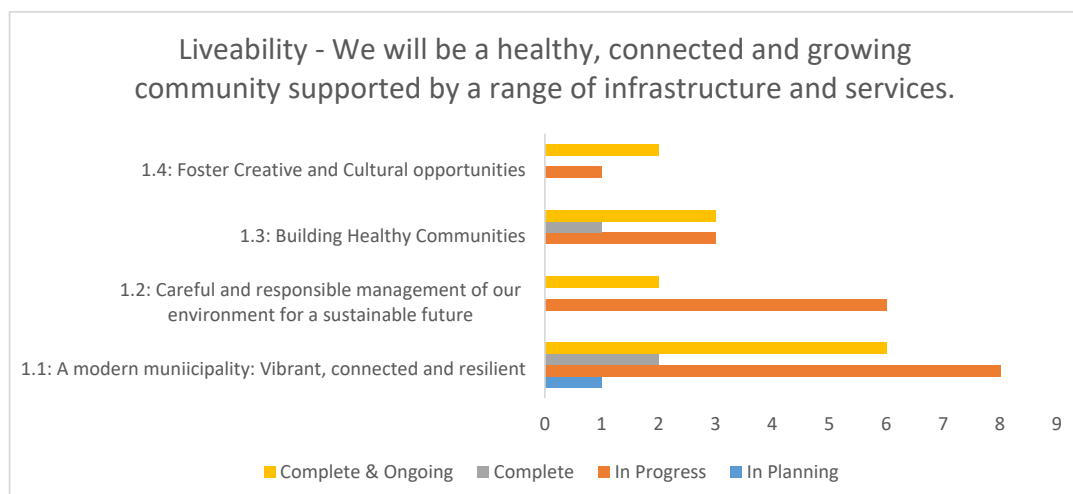
	1.1.3.5. Implement relevant actions from the Central Murray Regional Transport Strategy	2021-2025	Complete and Ongoing 	The forum participants and consultants held a workshop on 26 July 2024 to progress the strategy. Draft strategy has now been prepared and has been circulated for discussion and feedback. New specific actions are being prepared.
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1.2. Careful and responsible management of our Environment for a sustainable future				
STRATEGIC INITIATIVES	ACTION	DUE DATE	PROGRESS	COMMENTARY
1.2.1. Engage, empower and mobilise communities to prepare for, adapt to and mitigate the effects of a changing climate	1.2.1.1. Support initiatives that align with policy such as the Circular Economy and provide tangible outcomes for the community, for example: ↑ cleaner air for all, quality and smell ↓ litter, roadside dumping, co-mingling waste	2021-2025	In Progress 	An official acknowledgement for completion of the Circular Agricultural Plastics Economy project is being organised to include key stakeholders, date to be finalised. AgSafe are contemplating the introduction of a "bag muster" program and have contacted Council staff indicating that they would like Council to be a key component of the project for the Mallee area. Composting infrastructure (HEAP system) has been installed at the Ultima compost Facility. Concrete slab for shed (plant storage and material decontamination) has been constructed and shed will be installed late in October.
	1.2.1.2. Prepare an advocacy document for renewable energy resources in the municipality	2022/23	In Progress 	Advocacy document being prepared.
	1.2.1.3. Develop drainage strategies for key urban areas in the municipality	2023/24	In Progress 	Community consultation has taken place and was well attended; the next phase of the process is to consider the issues raised and model/analyse different drainage options to resolve the key drainage issues at both Swan Hill and Robinvale.
	1.2.1.4. Implement effective diversion and reuse of waste resources	2022/23	Complete and Ongoing 	The Mattress Shed is operational and a concrete slab has been constructed, connecting the Blue Shed to the new Mattress Shed.
	1.2.1.5. Develop irrigation strategies for key urban areas in the municipality	2022/23	In Progress 	Irrigation strategies are in progress.
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 	Mains and laterals have been installed. List sent to Think Water.
	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 	Draft Stage 2 and 3 Concept Plan for Murray River Trail completed and concepts to be sent out for further community consultation. Council provided feedback and the Swan Hill - Lake Boga section of trail included in plans.
	1.2.2.3 Plan and construct open space development of the decommissioned Number 9 Channel	2024/25	Complete and Ongoing 	Work continues with Goulburn Murray Water to determine the purchase of land along the decommissioned channel.

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 	Masterplans under preparation for Showgrounds Reserve and Ken Harrison reserves in Swan Hill.
	1.3.1.2. Develop detailed plans for the Lake Boga - Swan Hill trail	2022/23	In Progress 	Discussions progressed with VLine/VicTrack.
	1.3.1.3. Support initiatives leading to better outcomes for children and families	2021-2025	Complete and Ongoing 	No initiatives held this quarter
	1.3.1.4. Partner with agencies to address preventable illnesses and active lifestyles	2021-2025	Complete and Ongoing 	Robinvale Early Years Workforce Development Partnership Team, with secretariat support from Council, was established and is working to develop and implement a workforce development model to support local participants to undertake early childhood studies and endeavour to build the early years workforce locally. At the end of June 2024 there are 12 people currently undertaking Early Childhood Education & Care (ECEC) studies. There is a further 5-10 people interested in ECEC studies. There are 13 participants in a pre-accreditation program being conducted by Sunraysia Mallee Ethnic Communities Council in Robinvale to assist people to build their skills prior to starting a course. Robinvale College has donated desktop computers, deemed in excess, for distribution to people wanting to undertake ECEC studies who do not have a computer at home.
1.3.2. Spaces where people of all ages, abilities and backgrounds can flourish	1.3.2.1. Reinvigorate performance spaces across the area, including Robinvale Community Art Centre	2022/23	Complete and ongoing 	Movies and shows at Robinvale Community Arts Centre enjoyed their highest attendance to date, with close to 500 in attendance. Over 100 students are attending ballet classes 4 days a week, presented by The Robinvale Ballet Guild.
	1.3.2.2. Incorporate child and family-friendly principles into development of outdoor spaces	2022/23	In Progress 	Council service areas are committed and taking meaningful action to progress compliance with Child Safe Standards and is ongoing.
	1.3.2.3. Review and implement the public art policy	2021/22	Complete 	Complete. Public Art Policy reviewed on 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 	The implementation of these projects have been postponed until 2025 due to incapacity to host at the schools
	1.4.1.2. Support local creatives in developing their businesses (Arts Action)	2022/23	Complete and Ongoing 	Completed Manangatang residency program through The 'Australia's Creative Rural Economy' (ACRE) Project
	1.4.1.3. Enhance artistic outreach programs in smaller towns and communities, including Fairfax Youth Initiative and ACRE programs	2022/23	Complete and Ongoing 	Progress for The Fairfax Youth Initiative non for profit entity is as follows: Establishment of steering group has begun. Meeting of unincorporated association. Customise model rules. Legal structure agreed (to comply with DGR status as prescribed by ACNC) Lodgement of application to occur in November.

The chart below shows the progress towards achieving Liveability – to 30 September 2024.



As shown above, there are 18 actions that are currently in progress. Of the 35 actions included under Liveability, 49 per cent are aiming to achieve a modern municipality, vibrant, connected and resilient.

Strategic initiative where there is still more work to be done are:







- Attractive urban areas and regional townships
- Engage, empower and mobilise communities to prepare for, adapt to, and mitigate the effects of a changing climate.






## 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 	In August, council officers from the Early Years team met with representative/s from the Education Department and a service provider, to identify how the delivery of the services from their current locations, could be further improved.
	2.1.1.2. Advocate for the establishment of an education hub in Swan Hill	2023/24	Complete 	Complete. Country Universities Centre (CUC) Mallee officially opened in April 2024.
	2.1.1.3. Support effective and responsive early years education opportunities in Manangatang, Woorinen South and Swan Hill	2023/24	In Progress 	Awaiting the finalisation of the Swan Hill Early Years Services Consultants Project Report. This research project included a comprehensive early years community consultation to better understand the impact of the rollout of universal funded 3 and 4 year old kindergarten, unmet demand for kindergarten and child care, Maternal and Child Health and Out of Hours School Care, impact on workforce and infrastructure, and the best site for a Children's Hub in Swan Hill.
	2.1.1.4. Assist youth with diverse employment pathways through the Empower a Engage! Programs	2022/23	Complete and ongoing 	Pasifika Industry Connection program in progress. Connecting young Pasifika people to other Pasifika people in different areas of interest. Such as Youth Work, Teaching and childcare.

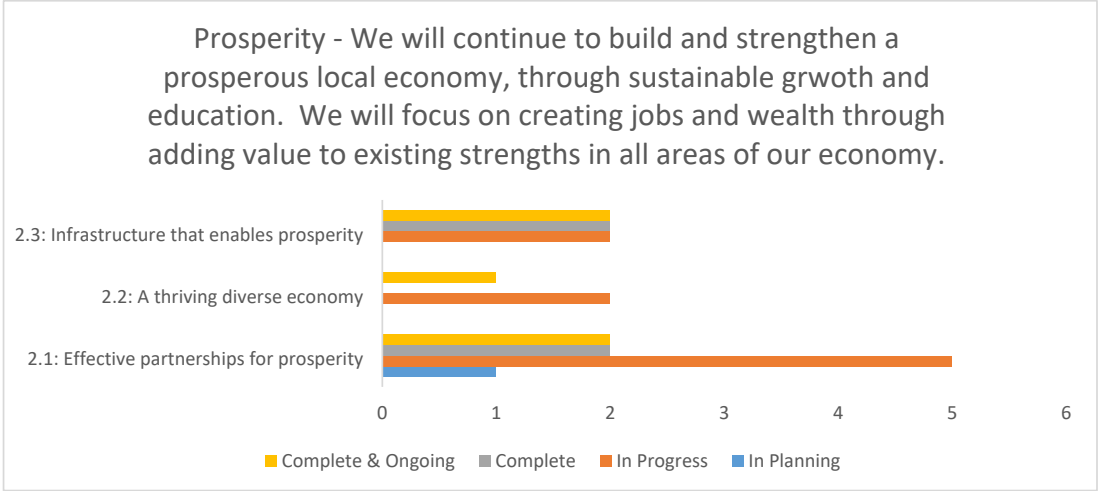
2.1.2. Support our key industries	2.1.2.1. Establish a Terms of Reference and develop an Annual Plan with the AgriBusiness Advisory Committee	2022/23	In Progress 	Committee continues to meet on a semi regular basis.
	2.1.2.2. Consider the establishment of an Industry Support Committee (Manufacturing and other)	2022/23	In Progress 	Economic Development Strategy adopted by Council and Council Officers working on delivering year 1 outcomes and strategies.
	2.1.2.3. Review the Economic Development Strategy to ensure a targeted focus on key outcomes	2022/23	In Progress 	Council seeks to support Housing Action – Greater Swan Hill and pursue housing funding options including Rural Worker Accommodation.
	2.1.2.4. Develop a strategic plan for future success of the Pioneer Settlement	2023/24	In Planning 	Final approval to commence works on the new building by Heritage Victoria expected end of October. Once approved, work on the Pioneer Settlement Strategic Plan will commence.
	2.1.2.5. Develop an Economic recovery plan in response to Covid-19	2021/22	Complete 	Complete. An Economic Recovery 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 and Ongoing 	Meeting held on 3 September. Council is currently undertaking a strategic review of the facility.

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	In Progress 	C79 – Monash Avenue amendment approved for exhibition.
	2.2.1.2. Continue to support existing businesses to grow through the implementation of the Better Approvals process	2021-2025	Complete and ongoing 	Business Support Team is established and guides have been finalised.
	2.2.1.3. Actively pursue the establishment of a designated area migration agreement (DAMA)	2021-2023	In Progress 	Council informed that Federal Government is encouraging State Governments to develop state based DAMA's, so Council will advocate to support this.



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	Complete 	Complete. Projects in the Swan Hill Region received funding under the Commonwealth Government's Regional Connectivity Program in July 2023.
	2.3.1.2. Seek innovative solutions for broadband and mobile connectivity	2022/23	Complete and Ongoing 	Council Officers continue to identify possible opportunities including funding and meet with providers on a semi regular basis.
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	Complete 	Complete. High Productivity Freight Vehicle (HPFV) strategy for both SHRCC and Gannawarra Shire Council completed in March 2023.
	2.3.2.2. Deliver and review Councils capital works program and Major Projects Plan each year	2021-2025	Complete and Ongoing 	During the Q1 24-25. Project Management Team has been managing 20 projects, majority of which are major. The contracts for Art Gallery Redevelopment, Swan Hill Tourism & Cultural Hub has been awarded. During this quarter, we have completed several road projects - Boundary Bend - Kooloonong Road, Woorinen Road, Butterworth Street Reconstruction.
	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 Plan's for all asset classes being progressed.
	2.3.2.4. Continue to plan and seek funding to implement the development of community infrastructure	2021-2025	In Progress 	LED screens to be installed and operational by December 2024. Dining PODS to be installed by December 2024.

The chart below shows the progress towards achieving Prosperity – to 30 September 2024.



As shown above, there are 9 actions that are currently in progress. Of the 19 actions included under Prosperity, 53 per cent are aiming to achieve effective partnerships for prosperity.








A strategic initiative where work is largely complete is - digital connectivity that allows people to live, work and play across our region.








A strategic initiative where there is still more work to be done is - Support our key industries.


















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

## Harmony

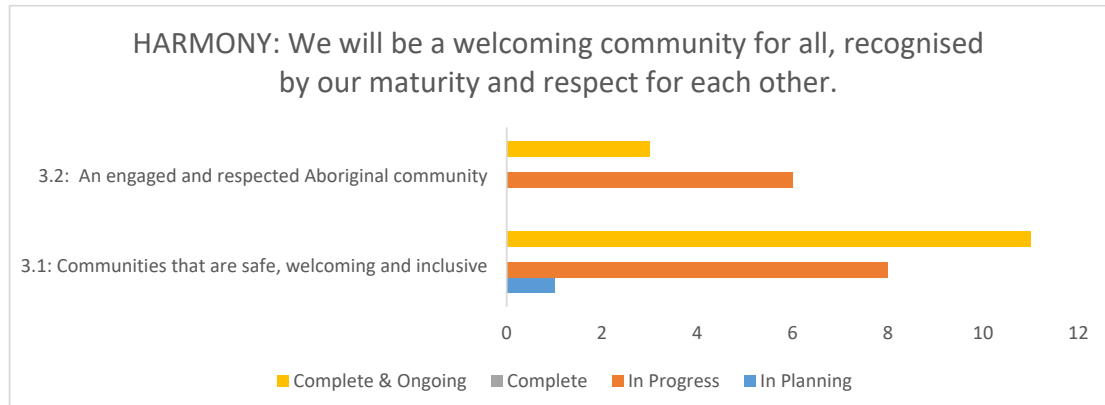
3.1. Communities that are safe, welcoming and inclusive				
STRATEGIC INITIATIVES	ACTION	DUE DATE	PROGRESS	COMMENTARY
3.1.1. The diversity of our communities is celebrated	3.1.1.1. Engage with LGBTIQ+ community members to improve inclusion and community awareness through leadership of the Inclusion Network.	2022/23	Complete and Ongoing 	Continuing working within the Gender Equality group.
	3.1.1.2. Support co-designed development of multicultural events and activities	2022/23	Complete and Ongoing 	Council continues to support co designed events and activities.
	3.1.1.3. All-abilities events and activities are well-planned and promoted	2022/23	Complete and Ongoing 	This is now part of established procedure, to liaise with key support agencies.
	3.1.1.4. Continue to develop the annual Harmony Day and Lantern Festival events.	2022/23	Complete and Ongoing 	Council supports these events annually and is alert to new and upcoming events that are led by the multicultural community.
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 	A Robinvale based Youth Worker is based out of the Robinvale College. Another outreach worker currently spending a day and half in Robinvale and looking to re-establish in Manangatang in 2024.
	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. Manangatang SRC group of 12 young people with weekly meetings. Completed Leadership Camp at Mt Evelyn. Camp was co-designed with Youth Council and Robinvale Youth Group.
	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 	Meeting of transitional entity is now scheduled for November 2024, to initiate the formal process of Fairfax becoming its own entity.

	3.1.2.4. Undertake the youth wellbeing actions from the Youth Strategy, specifically mental and sexual health.	2023/24	Complete and Ongoing 	Working with School Leavers Employment Support (SLES) group for Life Skills, where we are going to work on Healthy Relationship workshops and Self-worth.
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 	Council departments work with Media to coordinate an annual advertising campaign aligned with Volunteers Week. Individual services such as the Library and Pioneer Settlement conduct volunteer appreciation events.
	3.1.3.2. Provide support and training (Governance, Leadership and Strategic Planning) for our small town progress/improvement groups	2022/23	In Progress 	Ongoing support being provided for community groups.
	3.1.3.3. Improve engagement with community based special interest groups	2022/23	In Progress 	Mayor and Councillors continue to represent Council at special interest groups and functions. We have continued to work closed alongside our First Nations Advisory Committee (FNAC) as plans progress for Swan Hill Tourism and Cultural hub, the Pental Island Bridge and redevelopment. We have worked alongside key stakeholders, developers, the agricultural sector and beyond to continue our efforts in addressing housing shortages and skill shortages within the region. We have also partnered with organisations in Robinvale to tackle the areas increasing demand for childcare and kindergarten educators supporting Sunraysia Mallee Ethnic Communities Council.
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 	No new aged care facilities identified this quarter.
	3.1.4.2. Determine Council's role in aged care services	2022/23	Complete and Ongoing 	The establishment of an Aged Care Network is the only outstanding task following the aged care transition process.
	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	Complete and Ongoing 	A Memorandum of Understanding has been established to deliver a Maternal Child Health service for Aboriginal and Torres Strait Islander families at Mallee District Aboriginal Services.

	3.1.4.4. Actively engage with local support networks to assist with accessibility and inclusion initiatives	2022/23	Complete and Ongoing 	Ongoing - Youth Program working with schools, headspace, and other agencies such as health services to ensure inclusion in all events and programs. Annual support for Mental Health Week Youth Balls and Youth Arts Festivals during the Council term. Accessibility support agencies now involved in major events such as Harmony Day, some of these groups are headspace, Sunraysia Mallee Ethnic Communities Council, Intereach, and Mallee Family Care.
	3.1.4.5. Review Community Access and Inclusion Strategy (CAIS).	2021/22	In Progress 	No progress on this action item since the cessation of the Rural Access Officer.
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 	Full calendar of events is planned for November 25 - December 10, 2024.
	3.1.5.2. Develop and implement a Gender Equality Action Plan (GEAP)	2021/22	Complete and Ongoing 	Gender Equality Action Plan completed, and implementation is underway.
	3.1.5.3. Ensure that we consider people of all abilities in the development of infrastructure and events	2021-2025	In Progress 	Ongoing - most recent example is the redevelopment of all ability's toilets in the Town Hall, in consultation with users.
	3.1.5.4. Develop a Building Safer Communities program	2022/23	In Planning 	Awaiting suitable funding rounds to open. Department of Justice funding criteria has changed.

3.2. An engaged and respected Aboriginal community				
STRATEGIC INITIATIVES	ACTION	DUE DATE	PROGRESS	COMMENTARY
3.2.1. Strengthening our trust, relationships and partnerships with Traditional Owners and the Aboriginal and Torres Strait Islander community	3.2.1.1. Develop a Reconciliation Action Plan	2022/23	In Progress 	A working group has been established to develop the Reconciliation Action Plan.
	3.2.1.2. Adequately resource Aboriginal Engagement	2022/23	In Progress 	First Nations Advisory Committee providing advice on the Swan Hill Regional Art Gallery Project, new entrance building at Pioneer Settlement, Australia Day activities. First Nations Community represented at key civic functions and included in events.
	3.2.1.3. Support our Aboriginal community to work towards a treaty or treaties	2021-2025	In Progress 	Council is mid way through preparation of its Reconciliation Action Plan being developed jointly with First Nations representatives.
3.2.2. Encourage and support community leadership	3.2.2.1. Continue to offer Aboriginal scholarships and leadership opportunities	2021-2025	Complete and Ongoing 	Council continues to encourage and support community leadership by offering Aboriginal scholarships and leadership opportunities on an ongoing basis. Mid-Year Scholarships to be advertised soon.
	3.2.2.2. Continue to assist to develop Our Place identifying an Aboriginal language name and business model	2021/22	In Progress 	Council has been successful in receiving a grant that will allow replacement of the Pental Island pedestrian bridge and commence Stage 1 activation of Pental Island including a yarning circle and pathways.
	3.2.2.3. Proactively support leadership within our Aboriginal community	2021-2025	In Progress 	On 7 August 2024, the Victorian Aboriginal Heritage Council approved the registration of the Wamba Wamba Aboriginal Corporation as a Registered Aboriginal Party, in respect of an area, which includes parts of the Swan Hill municipality.
3.2.3. Celebration and recognition of Aboriginal and Torres Strait history and culture	3.2.3.1. Investigate and seek funding for Aboriginal tourism opportunities	2022-2025	In Progress 	Business Development Consultants brief has been prepared.
	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 	Completed the delivery of the exhibition On Country.
	3.2.3.3. Support Aboriginal and Torres Strait Islander days of significance	2021-2025	Complete and Ongoing 	Australia Day review completed and no change to the adopted format. Meetings conducted with interested Swan Hill Organisation seeking to reintroduce an Australia Day Breakfast. All small towns to be provided Australia Day funds. First Nations application submitted for Federal Grant.

The chart below shows the progress towards achieving Harmony – to 30 September 2024.



As shown above, there are 14 actions that are currently in progress. Of the 29 actions included under Harmony, 69 per cent are aiming to achieve communities that are safe, welcoming and inclusive.

A strategic initiatives where work is largely complete is - the diversity of our communities is celebrated; and encourage the growth and positive development of our youth.




A strategic initiatives where there is still more work to be done is:

- All members of our community are supported
- Strengthening our trust, relationships and partnerships with Traditional Owners and the Aboriginal and Torres Strait Islander community.











## Leadership






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




4.1. Excellent management and administration				
STRATEGIC INITIATIVES	ACTION	DUE DATE	PROGRESS	COMMENTARY
4.1.1. Well managed resources for a sustainable future	4.1.1.1. Invest in the development of employees to enable a highly skilled and engaged workforce	2021-2025	In Progress 	Staff reviews are 90% completed, training needs analysis (identifies individual training needs) occurs during this process which results in the organisational training plan. Addition training outside of this occurs in accordance with Council policy.
	4.1.1.2. Promote a culture of continuous improvement with a focus on efficiency and customer service	2021-2025	In Progress 	Council continues to improve business and service delivery outcomes by making positive changes that collectively lead to significant improvements in organisational capabilities, efficiencies, effectiveness, and performance continues. Council has recently reviewed 2 service areas; Parks and Gardens and the Library. The results of these audits will include actions in the area recommended for improvement. The Customer Service Strategy Development was released for tender, evaluations are underway, this will also include a review of the Customer Service Charter to ensure it is fit for purpose and in line with Community expectations. The internal audit planning for 2025 has commenced, areas to be audited are · Human Resources - Attraction, Recruitment, On-Boarding and Retention · Long Term Financial Planning.
	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 	Our 10-Year Major Projects Plan and our Long Term Financial Plan detail the activities that Council proposes to undertake over the short, medium and long term and guides the future strategies and actions of Council to make sure that it continues to operate in a sustainable manner. The draft plan will be presented to the Council at the December Council meeting. Finance team will commence the preparation of 2025/26 budget in January 2025. Currently the Council is in the process of engaging consultants to prepare a Council Plan, Revenue and Rating Plan and Customer Services Strategy. The council











				made a submission to both the Federal Government and State Government Inquiry into Local Government Sustainability. Director Corporate Services attended LGPRO Summit on Local Government Sustainability in Melbourne.
	4.1.1.4. Develop and implement a Workforce Development Plan	2021/22	Complete and Ongoing 	There are 41 actions in our Workforce Plan, reported to the Executive Leadership Team on 26 August 2024. The report highlighted the tasks completed and those that are currently in progress. Almost three quarters of the Workforce Plan (73%) have been completed.
<b>4.1.2.</b> Provide robust governance and effective leadership	4.1.2.1. Implement a Project Management Framework and system	2021/22	Complete and Ongoing 	Project Management Framework Group - Gap regarding asset ownership identified. Relevant stakeholders have been consulted during this quarter to address the gap.  System- Working with IT Team to develop workflow-based system.  Project Dashboard - Working with IT Team to develop dashboard on external website which will be updated quarterly.
	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 due for review after election. Draft Fleet Asset Management Plan completed. Sealed road condition assessment completed, Transport Asset Management Plan to be updated once valuation completed Stormwater valuation to be completed 2024-25, SWAMP AMP to be updated once valuation and Drainage strategy finalised.
	4.1.2.3. Provide Councillors with professional development and support to ensure effective governance	2021-2025	Complete and Ongoing 	This is ongoing as opportunities arise. Compulsory training of Councillors will occur following the October 2024 election.
	4.1.2.4. Work with Town Representative groups to better plan and deliver projects	2021-2025	Complete and Ongoing 	Pods to be installed in January 2025. Council Officers still working with the Ultima Town Group on plans and governance.
<b>4.1.3.</b> Sound, sustainable: o Financial management o Excellence in service delivery o Strategic planning	4.1.3.1 Deliver projects on time, on budget and within scope	2021-2025	Complete and Ongoing 	<b>Projects Completed this quarter:</b> 1. Boundary Bend - Kooloonong Road 2. Woorinen Road 3. Butterworth Street  <b>Significant Milestones Completed this quarter:</b>  1. Contract Award for Art Gallery

				Redevelopment 2. Contract Award for Swan Hill Tourism & Cultural Hub.
	4.1.3.2. Working to budget and ensure future planning to meet financial needs	2021-2025	Complete and Ongoing 	Preparation of the 2023/24 financial statements have been undertaken in July and August, with the audit of financial statements undertaken in late August. The statements were presented to the Audit and Risk Committee 5 September, and Council meeting 10 September for in-principal adoption. The financial statements were certified by the Victorian Auditor General Office on 18 September. Preparations for the 2025/26 Budget have commenced with the 10 Year Major Projects Plan.
	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	Complete and Ongoing 	All evidence provided to enable the auditors to complete the service review for Parks and Gardens, Council are waiting for the final report. The library is due to be reviewed at the end of October 2024

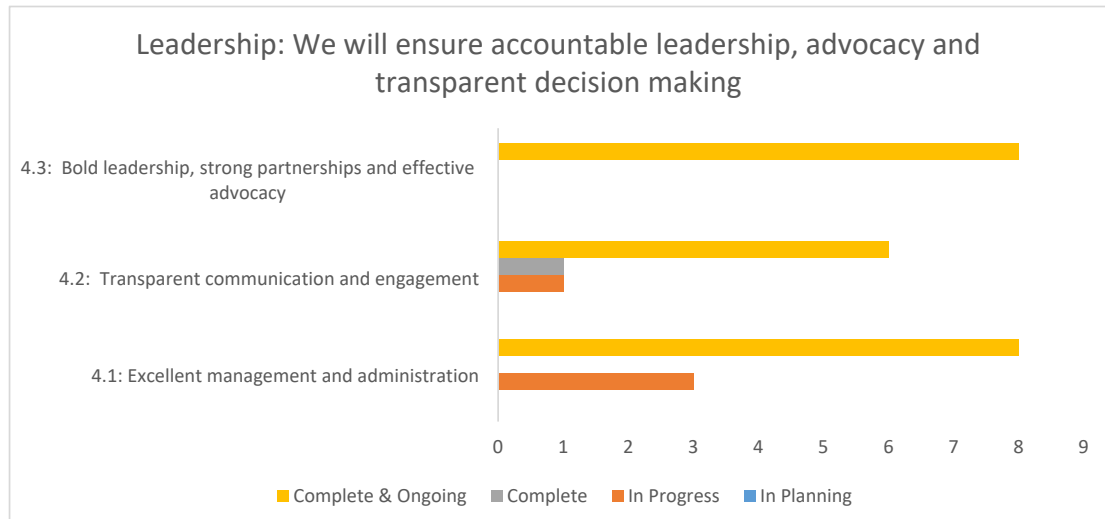
4.2. Transparent communication and engagement				
STRATEGIC INITIATIVES	ACTION	DUE DATE	PROGRESS	COMMENTARY
<b>4.2.1.</b> Effective and authentic engagement with our community	4.2.1.1. Review our Community Engagement Strategy to ensure our engagement is meeting the needs of the community	2022/23	Complete 	Complete.
	4.2.1.2. Embed the Community Engagement principles and practices across the organisation	2023/24	In Progress 	Continued to include community engagement principles and processes as part of all new staff induction training.
	4.2.1.3. Build constructive relationships with special interest groups in our community	2021-2025	Complete and Ongoing 	Community Engagement has continued to have positive results achieving 7,410 visits to the Let's talk platform this quarter. Two hundred and eleven (211) contributions have been received, and 9 projects were published this quarter. During this quarter we have held in person drop-in sessions in both Swan Hill and Robinvale for two projects (Swan Hill Rural City Council Drainage model and the Integrated Transport and Land Use Strategy.) These in-person drop-in sessions were all well attended.
	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 and Ongoing 	Council's social media audience has grown this quarter with an increase in 96 followers on Facebook, 13 followers on Instagram and 72 followers on LinkedIn. We are relatively new to LinkedIn, and we have organically reached 5,148 people during this quarter via the LinkedIn platform. During this quarter we welcomed the Variety Bash to town and our social media post of the event reached over 17,000 people. The Social Media Code of Conduct is included as an appendix in the Media Policy and is currently awaiting approval.
<b>4.2.2.</b> 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	Complete and Ongoing 	During August, Council conducted Information sessions with the communities in Robinvale and Swan Hill on the Integrated Transport and Land Use Strategy. Early September, community drop-in sessions were held in Swan Hill and Robinvale, to give residents an opportunity to provide feedback in-person on the Drainage Study.

	4.2.2.2. Continue quarterly Coffee with a Councillor around the municipality	2021-2025	Complete and Ongoing 	'Coffee with a Councillor' sessions were held in Lake Boga and at Swan Hill Market. Each session was well attended. With caretaker mode occurring during September, only two sessions were held this quarter. The schedule will be reviewed by the new Council.
	4.2.2.3. Arrange structured tours of the municipality where Councillors and senior staff meet with key community groups	2022/23	Complete and ongoing 	<p><u>July</u> Ultima Lions Club Changeover dinner Heirloom Estate Ribbon Cutting</p> <p><u>August</u> Business Professional Women's Assoc Annual Dinner Big Bash Variety Club launch Swan Hill Fire Brigade Annual Dinner Coffee with a Councillor, Swan Hill Market Tree planting day at McKillop College</p> <p><u>September</u> Citizenship Ceremony Visit to Swan Hill Specialist School</p> <p>Due to Election Period restrictions, visits were reduced during September.</p>
	4.2.2.4. Create a culture where staff are ambassadors for the Council	2021-2025	Complete and Ongoing 	Council's platform for community consultation – Let's Talk - continues to be popular with the staff and community. A review of senior staff involvement on external committees will occur. We continue to promote Council.

4.3. Bold leadership, strong partnerships and effective advocacy				
STRATEGIC INITIATIVES	ACTION	DUE DATE	PROGRESS	COMMENTARY
<b>4.3.1.</b> Create meaningful partnerships across our communities	4.3.1.1. Continue involvement in community groups	2021-2025	Complete and Ongoing 	Council report on this monthly at Ordinary Council meeting and this is recorded in the minutes which are available to the public <a href="https://www.swanhill.vic.gov.au/about/council/meetings/2024-council-meetings">https://www.swanhill.vic.gov.au/about/council/meetings/2024-council-meetings</a>
	4.3.1.2. Support Robinvale with its Committee for Robinvale Euston (C4RE)	2022/23	Complete and Ongoing 	Robinvale Euston Workforce Network is in the process of establishing itself as Company Limited by Guarantee, with an associated Foundation. In June 2024 workshops and planning sessions conducted to begin this work. Council is an active partner/member.
	4.3.1.3. Support the health and wellbeing partnerships that address preventable illnesses.	2023/24	Complete and Ongoing 	Council is represented on both the Murray and Mallee Primary Health Units (PHUs), as the LGA is now split across two Department of Health sub-regions. These PHUs will be assisting Council with development of the Public Health and Wellbeing components of the Council Plan in 2025.
	4.3.1.4. Continue to support and work with Swan Hill Incorporated	2021-2025	Complete and Ongoing 	Meetings with Council Senior Staff and Swan Hill Inc. occur on a monthly basis. Partnership opportunities continue to be explored and developed around events and marketing.
<b>4.3.2.</b> 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"> <li>Improved Healthcare for our people, including a new hospital for Swan Hill</li> <li>A new Murray River Bridge at Swan Hill</li> <li>Complete the Murray Basin Rail Project</li> <li>Housing and enabling infrastructure</li> <li>Better use of environmental water and the development of a plan specific to the Murray River between Swan Hill and Robinvale.</li> </ul>	2021-2025	Complete and Ongoing 	In August, the Mayor & CEO, as part of the Murray River Group of Council delegation, visited Canberra to meet with Federal Government Ministers. The Mayor and CEO advocated for several important local priorities. These included the ongoing need for increased road funding, addressing housing issues, and coordinating federal support across different portfolios to ensure water recovery, community safety, and leveraging our renewable energy capabilities.
	4.3.2.2. Review Council's advocacy strategy on an annual basis	2021-2025	Complete and Ongoing 	Advocacy Strategy adopted on 21 May 2019, and reviewed annually prior to Australian Local Government Association's National General Assembly.

<b>4.3.3. Working together in promotion of the municipality</b>	4.3.3.1. Positively promote our region as a great place	2021-2025	Complete and Ongoing 	Council has continued its commitment to marketing in the municipality via its Funding and Service Agreement with Swan Hill Inc.
	4.3.3.2. Continue to work with Murray River Tourism and Swan Hill Incorporated to promote the municipality	2021-2025	Complete and Ongoing 	The Murray River Adventure Trail (MRAT) is progressing steadily, supported by Murray Regional Tourism (MRT), the Victorian State Government, and Local Government partners. Stages 2 and 3 cover key sections along the Murray River, stretching from Albury/Wodonga in the east to Mildura/Wentworth in the west.

The chart below shows the progress towards achieving Leadership – to 30 September 2024.



As shown above, there are 4 actions that are currently in progress. Of the 27 actions included under Leadership, 41 per cent are aiming to achieve excellent management and administration. 85 per cent of actions under the leadership pillar are Complete or Complete and Ongoing.

A strategic initiative where there is still more work to be done is – Well managed resources for a sustainable future.





## 2.2 2023/24 Rates Surplus

**Directorate:** Corporate Services  
**File Number:** S15-06-18  
**Purpose:** For Decision

### Council Plan Strategy Addressed

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

#### 4.1 Excellent management and administration

4.1.3 Sound, sustainable:

- Financial management • Excellence in service delivery • Strategic planning

### Current Strategic documents

Budget

### Declarations of Interest:

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

### Summary

This report seeks a Council resolution for the application of surplus funds derived from the 2023-24 financial year.

### Discussion

The Financial Statements for 2023-24 were finalised in September 2024 and Council received clear audit opinions from the Auditor-General's Office.

Following the completion of the financial statements, a Rates Determination Result is calculated to determine a rate surplus or deficit from the financial year. The Rates Determination Result is a calculation which excludes non-cash items such as depreciation, profit/loss on sale of assets, non-monetary contributions from developers, etc.

The Original Budget was prepared to achieve a \$79,000 rates surplus, the Actual result was a surplus of \$1,256,000.

The purpose of this report is to seek Council approval to the application of the \$1,256,000 in surplus funds.



The items detailed below represent the variances from budget that determine much of the 2023-24 rates surplus:

	Variance to Budget
Grants Commission – Financial Assistance Grants (including Transfer from Reserve) <i>The approved Financial Assistance Grant for 2023-24 was \$679,136 higher than the budgeted grant.</i>	\$679,136
Grants Commission – 2022-23 Underpayment <i>Final calculation of the 2022-23 Financial Assistance Grant undertaken by the Victorian Local Government Grants Commission resulted in an additional allocation to Council.</i>	\$356,878
Interest Income <i>Increasing interest rates over the year resulted in higher interest income being earned.</i>	\$1,693,000
User fees and charges <i>Carparking fees were below forecast.</i>	(\$71,000)
Statutory fees and fines <i>Building and planning permits were below forecast.</i>	(\$271,000)
Livestock Exchange user fees <i>Reduced number of stock passing through the exchange this financial year.</i>	(\$330,000)
Employee Costs (net) <i>Difficulty recruiting suitably qualified staff in a number of positions has resulted in savings of salaries and wages. In some cases the vacant positions are temporarily filled by agency staff which had not been forecast. This variance is the net effect of the current issues faced in recruiting staff. Excludes redundancy payments to Aged and Disability Staff.</i>	\$772,000
Mayoral Allowance <i>Savings from allowance paid July to Nov 2023.</i>	\$9,375
WorkCover Premiums <i>Premiums for the 2023-24 year are above forecast due to a MAV Annual Contribution payment.</i>	(\$21,515)
Contract payments, materials and services <i>Additional costs associated with the Fairfax Festival</i> <i>Performing Arts Program</i> <i>Additional drainage maintenance</i> <i>Additional sealed roads maintenance funded via grants commission allocation</i> <i>Sports field maintenance including repair of Alan Garden netball courts</i> <i>Due to invoicing delays additional cleaning costs were paid in the current financial year, with the expenditure incurred in the 2022-23 financial year.</i> <i>Georeferencing and video of road network – condition assessments and flood/emergency claims.</i> <i>Livestock exchange strategic review.</i> <i>Gray St traffic concept planning.</i>	(\$63,000) (\$235,000) (\$107,000) (\$352,000) (\$132,000) (\$123,000) (\$21,250) (\$90,000) (\$50,000)
Software licences <i>Microsoft Annual Licence subscription exceeded forecast by 9 per cent.</i>	(\$22,000)

Safety ISO 45001:2018 Audit – OHS Depot <i>Assess the effectiveness of Council's OHS monitoring system, including the structure, policies, planning activities, resourcing, operating procedures and work practices.</i>	(\$10,600)
Bad debt write off <i>Write-off of debt owed by the Swan Hill Drag Racing Club.</i>	(\$48,037)
Murray River Group of Councils <i>Council resolved to support additional works regarding the Murray Darling Basin advocacy plan.</i>	(\$10,000)
Capital works <i>Variances to capital works projects undertaken.</i>	(\$376,000)
2023-24 Annual Budget <i>Budgeted surplus for the 2023-24 year.</i>	\$79,000

Officers have considered several uses for this surplus and the suggested use of funds is as follows, and supported by the following:

Item No.	Expense	Description	Amount
1	Security Review	Contractor to review Council's security needs prior to tender of contract.	\$30,000
2	Scanning of payroll files and engineering plans	Scan files to comply with record keeping needs and to free up space within the Splatt St Office.	\$50,000
3	Municipal Office Refurbishment	Refurbishment of the Municipal Office customer service facilities.	\$350,000
4	Swan Hill Outdoor Pool maintenance	Important maintenance work is needed on the sand filters to ensure trouble free use over summer.	\$100,000
5	Greening and Cooling Urban Tree Canopy Strategy	Request raised at Council meeting during adoption of 2024-25 budget. Council resolved to consider the project if there was a surplus from the 2023-24 financial year.	\$40,000
6	Little Murray Urban Frontage Rehabilitation Plan	Request raised at Council meeting during adoption of 2024-25 budget. Council resolved to consider the project if there was a surplus from the 2023-24 financial year.	\$36,000
7	Council Chamber upgrade	Upgrade and renovations to provide a more permanent and suitable Council Chamber within the Swan Hill Town Hall.	\$150,000
8	Monash Drive Viewing Platform fencing	Fencing from the viewing platform, on the river side of the footpath along Monash Drive.	\$50,000
9	Landscaping to complete projects	Landscaping at the Monash Viewing Platform and #9 Channel reserve that weren't able to be accommodated in the project construction budgets.	\$100,000

10	MBS Regional Hub	Funding allocation for the development of a regional hub for Municipal Building Surveyor services.	\$100,000
11	Water Tanker – Unsealed Roads	An additional grader has been allocated to the grading of unsealed roads but operating with a hired water tanker at significant cost. Purchase of a water tanker aids the grading process and can be done with a reasonably short return on investment.	\$250,000
			\$1,256,000

### Consultation

The above application of the 2023-24 surplus funds was discussed by Councillors at the 03 December 2024 Council Briefing. Items No. 4 and 5 were also discussed at the 04 June 2024 Unscheduled Council meeting for the consideration of budget submissions.

### Financial Implications

Allocation of the Rates Surplus to the recommended options allows for the projects to begin or continue immediately without impacting current budgets or having to rely on future budgets to fund the projects.

### Social Implications

Funding allocated to the maintenance of the Swan Hill Outdoor Pool provides uninterrupted operation of the facility for resident leisure activities. Projects such as the Little Murray River frontage rehabilitation and improvements to the Boardwalk provide further leisure facilities for residents.

### Economic Implications

Allocating funds from the rates surplus to undertake or complete projects allows further projects to be undertaken within our municipality. This creates the need for the engagement of contractors and use of suppliers, stimulating the local economy.

### Environmental Implications

The Greening and Cooling Urban Tree Canopy Strategy will provide direction as to how the Council can improve its Urban Cooling activities.

### Risk Management Implications

The risk management implications are generally assessed individually as part of the implementation of each project at its commencement.

**Attachments:** Nil

### **Options**

1. Council may choose to adopt or amend the recommendation.

### **Recommendation/s**

**That Council:**

1. **Note the report and approve the appropriation of the 2023-24 rate surplus to the following specific purposes:**
  - Security Review \$30,000
  - Scanning of payroll files and engineering plans \$50,000
  - Municipal Office Refurbishment \$350,000
  - Swan Hill Outdoor Pool maintenance \$100,000
  - Greening and Cooling Urban Tree Canopy Strategy \$40,000
  - Little Murray Urban Frontage Rehabilitation Plan \$36,000
  - Council Chamber upgrade \$150,000
  - Monash Drive Viewing Platform fencing \$50,000
  - Landscaping to complete projects \$100,000
  - MBS Regional Hub \$100,000
  - Water Tanker – Unsealed Roads \$250,000

### **CM 2024/211 Motion**

**MOVED Cr McPhee**

**That Council:**

1. **Note the report and approve the appropriation of the 2023-24 rate surplus to the following specific purposes:**
  - Security Review \$30,000
  - Scanning of payroll files and engineering plans \$50,000
  - Municipal Office Refurbishment \$350,000
  - Swan Hill Outdoor Pool maintenance \$100,000
  - Greening and Cooling Urban Tree Canopy Strategy \$40,000
  - Little Murray Urban Frontage Rehabilitation Plan \$36,000
  - Council Chamber upgrade \$150,000
  - Monash Drive Viewing Platform fencing \$50,000
  - Landscaping to complete projects \$100,000
  - MBS Regional Hub \$100,000
  - Water Tanker – Unsealed Roads \$250,000

**SECONDED Cr Jennings**

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

## 2.3 Quarterly Review of Financial Performance and Financial Position to 30 September 2024

**Directorate:** Corporate Services  
**File Number:** S15-28-04  
**Purpose:** Information Only

### Council Plan Strategy Addressed

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

#### 4.1 Excellent management and administration

4.1.3 Sound, sustainable:

- Financial management • Excellence in service delivery • Strategic planning

### Current Strategic Documents

Budget

### Declarations of Interest

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

### Summary

A review of Council's Financial Performance (Income and Expenditure) and Financial Position (Balance Sheet) to the adopted Budget for the three months to 30 September 2024 has been conducted. The results are summarised in this report.

### Discussion

A summarised Statement of Income and Expenditure and a summarised Balance Sheet for the three months ended 30 September 2024 are included with this report.

Major variations to budget as at 30 September 2024 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. Many of the variances to budget at this stage are due to the timing of works and the full year results are expected to remain on budget. The predicted surplus assumes that Major Projects and Capital Works for the remainder of the financial year will be within budget.

Significant forecast variations to the annual budget include:

	Current Forecast Variances	
Grants Commission – Financial Assistance Grants (including Transfer from Reserve) <i>The approved Financial Assistance Grant was \$160,850 higher than the budgeted grant.</i>	\$149,375	Favourable

Grants Commission – 2024 Underpayment <i>Final calculation of the 2023/24 Financial Assistance Grant undertaken by the Victorian Local Government Grants Commission resulted in an additional allocation to Council.</i>	\$11,480	Favourable
WorkCover Premiums <i>Final premium calculation for 2023/24 resulted in a refund of \$43,480 paid to Council.</i>	\$43,480	Favourable
<b>Net Variation to 2024/25 Budget</b>	<b>\$204,335</b>	Favourable

### Consultation

Consultation occurred as part of the Budget preparation process.

### Financial Implications

The report shows a predicted rates determination result of \$204,335 above the budgeted surplus for the 2024/25 financial year. This is an indicative figure, the final figures will not be known until the end of the financial year statements are audited.

### Social Implications

Not relevant to this item.

### Economic Implications

Not relevant to this item.

### Environmental Implications

Not relevant to this item.

### Risk Management Implications

Not relevant to this item.

- Attachments:**
1. Sept 24 IS [2.3.1 - 1 page]
  2. Sept 24 BS [2.3.2 - 1 page]

### Options

Nil

### Recommendation/s

**That Council note that the anticipated end of financial year result is \$204,335 better than the adopted budget surplus of \$69,270 at this stage.**

### CM 2024/212 Motion

### MOVED Cr Englefield

**That Council note that the anticipated end of financial year result is \$204,335 better than the adopted budget surplus of \$69,270 at this stage.**

### SECONDED Cr Thornton

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

**SWAN HILL RURAL CITY COUNCIL  
STATEMENT OF INCOME & EXPENDITURE  
FOR THE 3 MONTHS ENDING 30/09/2024**

	Actual Year To Date 30/09/2024 \$000	Budget Year To Date 30/09/2024 \$000	\$ Variance To Budget \$000	% Variance To Budget	Original Annual Budget 2024/25 \$000	Notes
<b>OPERATING INCOME :-</b>						
Rates, garbage charges and marketing levy	33,090	33,307	(217)	-0.7%	33,307	
Statutory fees & fines	242	268	(26)	-9.5%	1,070	
User fees	1,023	1,098	(75)	-6.8%	4,392	
Grants - operating (recurrent)	8,667	2,595	6,073	234.1%	10,378	1
Grants - operating (non-recurrent)	188	124	64	51.9%	495	2
Grants - capital (recurrent)	0	375	(375)	-100.0%	1,500	3
Grants - capital (non-recurrent)	638	1,313	(675)	-51.4%	5,251	4
Contributions - cash non recurrent	88	50	38	76.0%	200	5
Interest income	875	555	321	57.8%	2,218	6
Proceeds from disposal of assets	166	510	(344)	-67.4%	2,038	7
Other revenue	462	1,719	(1,257)	-73.1%	6,877	8
<b>TOTAL INCOME</b>	<b>45,439</b>	<b>41,912</b>	<b>3,527</b>	<b>8.4%</b>	<b>67,726</b>	
<b>OPERATING EXPENSES (Excluding Depreciation) :-</b>						
Employee benefits	4,683	5,013	(330)	-6.6%	21,723	9
Contract payments materials & services	4,981	5,441	(460)	-8.5%	21,765	
Bad & doubtful debts	1	0	1	300.0%	1	
Finance costs	7	20	(13)	-65.0%	80	
Other expenses	214	255	(41)	-15.9%	1,018	
<b>TOTAL OPERATING EXPENSES (Excl. Depn.)</b>	<b>9,886</b>	<b>10,729</b>	<b>(843)</b>	<b>-7.9%</b>	<b>44,587</b>	
<b>OPERATING RESULT ( Excl. Depn. )</b>	<b>35,553</b>	<b>31,183</b>	<b>4,370</b>	<b>14.0%</b>	<b>23,139</b>	
<b>CAPITAL ITEMS :-</b>						
Capital works/asset purchases	5,211	8,795	(3,584)	-41%	35,180	10
<b>SURPLUS (DEFICIT) AFTER CAPITAL ITEMS</b>	<b>30,342</b>	<b>22,388</b>	<b>7,954</b>	<b>36%</b>	<b>(12,041)</b>	
<b>ADD FINANCING TRANSACTIONS</b>						
Loan principal redemption	(71)	(71)	0	0.0%	(284)	
Transfers to/from reserves	0	0	0	0.0%	12,395	
Proceeds from loans	0	0	0	0.0%	0	
<b>TOTAL FINANCING TRANSACTIONS</b>	<b>(71)</b>	<b>(71)</b>	<b>0</b>	<b>0.0%</b>	<b>12,111</b>	
<b>BUDGET RESULT SURPLUS</b>	<b>30,271</b>	<b>22,317</b>	<b>7,954</b>	<b>35.6%</b>	<b>70</b>	

- 1 Eighty five per cent of Council's 2024/25 Victoria Grants Commission allocation was received in July 2024.  
The full year result for the Victoria Grants Commission allocation will be \$204,353 better than forecast due to an additional \$149,373 from the indexation of our allocation in the 2025 year, \$11,478 being the underpayment from 2024 and \$43,502 for a local roads Data Project.
- 2 Timing issue. Operating non-recurrent grant funds received include Natural Resource Management (\$85k), Youth Support programs - Engage (\$30k) and Freeza (\$18k).
- 3 Timing issue. The Roads to Recovery grant funding first instalment is yet to be received.
- 4 Timing issue. Butterworth Street completion was forecast by 30 September 2024, invoice is now expected to be issued in October 2024.
- 5 Public Open Space contribution received (\$70k) which was not forecast.
- 6 Interest income is favourable in comparison to the budget, due to interest received in the current year attributable to the prior year.
- 7 The budget allowed for the sale of Council properties (lots in Ronald Street Robinvale) over the financial year. Proceeds from disposal of assets consists of plant item sales only to date.
- 8 Timing issue. The unfavourable variance is due to lower than forecast Tower Hill sales to date.
- 9 Salary and wages costs are below forecast (\$330k) due to the Enterprise Bargaining Agreement increase yet to be applied. This includes an increase in agency staff costs incurred to fill the vacant roles, currently \$108k above forecast.
- 10 Significant capital works projects forecast for the 2024/25 year are the Art Gallery redevelopment, Pioneer Settlement Tourism & Cultural Hub, Ultima Compost Facility establishment, Tower Hill development and Karinie Street reconstruction. The majority of these projects are yet to commence.

**SWAN HILL RURAL CITY COUNCIL  
SUMMARISED BALANCE SHEET  
AS AT 30/09/2024**

	Last Year Actual As At 30/06/2024 \$000	This Year Actual As At 30/09/2024 \$000	\$ Movement Y.T.D. \$000	Budget As At End 2024/25 \$000
<b>CURRENT ASSETS:-</b>				
Cash and Cash Equivalents	47,460	57,153	9,693	25,262
Trade & Other Receivables	8,203	31,813	23,610	5,138
Inventories	156	304	148	144
Other Assets	7,469	320	(7,149)	2,090
<b>TOTAL CURRENT ASSETS</b>	<b>63,288</b>	<b>89,590</b>	<b>26,302</b>	<b>32,634</b>
<b>CURRENT LIABILITIES:-</b>				
Trade & Other Payables	6,444	1,770	(4,674)	4,091
Trust Funds & Deposits	414	1,426	1,012	485
Unearned Income/Revenue	2,747	2,193	(554)	0
Provisions	4,591	4,838	247	7,243
Interest Bearing Loans & Borrowings	532	521	(11)	530
Lease Liabilities	51	51	0	124
<b>TOTAL CURRENT LIABILITIES</b>	<b>14,779</b>	<b>10,799</b>	<b>(3,980)</b>	<b>12,473</b>
<b>NET CURRENT ASSETS</b>	<b>48,509</b>	<b>78,791</b>	<b>30,282</b>	<b>20,161</b>
<b>NON-CURRENT ASSETS:-</b>				
Trade & Other Receivables	50	50	0	50
Property, Plant, Equipment & Infrastructure	641,875	642,346	471	672,179
Right-of-use Assets	60	60	0	399
Intangible Assets	3,430	3,430	0	3,995
<b>TOTAL NON-CURRENT ASSETS</b>	<b>645,415</b>	<b>645,886</b>	<b>471</b>	<b>676,623</b>
<b>NON-CURRENT LIABILITIES:-</b>				
Interest Bearing Loans & Borrowings	1,538	1,478	(60)	1,255
Lease Liabilities	17	17	0	280
Provisions	3,380	3,380	0	1,252
<b>TOTAL NON-CURRENT LIABILITIES</b>	<b>4,935</b>	<b>4,875</b>	<b>(60)</b>	<b>2,787</b>
<b>TOTAL NET ASSETS</b>	<b>688,989</b>	<b>719,802</b>	<b>30,813</b>	<b>693,997</b>
<b>EQUITY:-</b>				
Accumulated Surplus & Reserves	341,249	372,062	30,813	329,565
Asset Revaluation Reserve	347,740	347,740	0	364,432
<b>TOTAL EQUITY</b>	<b>688,989</b>	<b>719,802</b>	<b>30,813</b>	<b>693,997</b>



## 2.4 Prevention of Sexual Harassment Policy

**Directorate:** Corporate Services  
**File Number:** S16-25P-03-151  
**Purpose:** For Decision

### Council Plan Strategy Addressed

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

#### **3.1 Communities that are safe, welcoming and inclusive**

3.1.5 All members of our communities are supported

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

#### **4.1 Excellent management and administration**

4.1.2 Provide robust governance and effective leadership

### Current Strategic Documents

Gender Equality Action Plan 2021-2025

### Declarations of Interest

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

### Summary

This reviewed policy sets out the legal responsibilities and obligations of Council to prevent sexual harassment, and applies to all Councillors, Council staff, volunteers and contractors.

### Discussion

Swan Hill Rural City Council (Council) is committed to providing a safe, flexible and respectful environment for Councillors, staff and the community that is free from all forms of sexual harassment. Council participate in the People Matters Survey for Local Government every two years. The organisation uses the survey results to find out where we are doing well and where we need to improve workplace gender equality, including sexual harassment. Recent results show an improvement, with the number of employees stating they had experienced sexual harassment at work during the last 12-months reducing, and no cases of sexual harassment reported for the same period.

Sexual harassment is unlawful and prohibited by both the *Equal Opportunity Act 2010* (Vic) and the *Sex Discrimination Act 1984* (Cth). Both pieces of legislation place a positive duty on organisations to eliminate sexual harassment.

Section 28A of the *Sex Discrimination Act 1984* (Cth) defines sexual harassment:

- 1) A person sexually harasses another person (the **person harassed**) if:
  - (a) the person makes an unwelcome sexual advance, or an unwelcome request for sexual favours, to the person harassed; or
  - (b) engages in other unwelcome conduct of a sexual nature in relation to the person harassed;in circumstances in which a reasonable person, having regard to all the circumstances, would have anticipated the possibility that the person harassed would be offended, humiliated or intimidated

The policy includes examples of what sexual harassment may look like, outlines what is a workplace, the process for reporting sexual harassment, how we will respond, the procedures for handling formal complaints and the investigation process. Online, virtual and social media platforms have been included in the circumstances in which sexual harassment may occur.

The policy also considers the need for confidentiality, remedial options such as alternate working arrangements, and the requirements for natural justice and procedural fairness.

### **Consultation**

The Gender Equality Committee was consulted in July, the Occupational Health & Safety Committee was consulted in October and the Consultative Committee in November. The Executive Leadership Team have also reviewed the policy. All feedback has been used to inform and update the policy.

### **Financial Implications**

Nil.

### **Social Implications**

Council has committed to promoting a culture of non-violence, respect and gender equity.

### **Economic Implications**

Nil.

### **Environmental Implications**

Nil.

### **Risk Management Implications**

Council has a positive duty to prevent sexual harassment in the workplace.

**Attachments:** 1. Prevention-of- Sexual- Harassment- Policy POLSTAF F 151  
V 1.1 202205 (1) (002) [**2.4.1** - 10 pages]

**Options**

1. Adopt the Prevention of Sexual Harassment Policy, as presented.
2. Make changes to the Prevention of Sexual Harassment Policy prior to adoption.

**Recommendation/s**

**That Council adopt the Prevention of Sexual Harassment Policy, as presented.**

**CM 2024/213 Motion**

**MOVED Cr McPhee**

**That Council adopt the Prevention of Sexual Harassment Policy, as presented.**

**SECONDED Cr Thornton**

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

Date adopted  
Last review  
Next review  
Responsible Officer

May 2022  
October 2024  
October 2027

Organisational Development Manager

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



**POLICY TITLE PREVENTION OF SEXUAL HARASSMENT POLICY**

**POLICY NUMBER CPOL/STAFF151**

**1. PURPOSE**

Sexual harassment is unlawful and prohibited by both the *Equal Opportunity Act 2010* (Vic) and the *Sex Discrimination Act 1984* (Cth).

Swan Hill Rural City Council (Council) is committed to providing a safe, flexible and respectful environment for Councillors, staff and the community that is free from all forms of sexual harassment.

**2. SCOPE**

This policy sets out the legal responsibilities and obligations for Council and applies to all Councillors, Council staff, volunteers and contractors.

This policy applies to circumstances (including but not limited to):

- how Council provides services to and interacts with members of the public;
- all aspects of employment, recruitment and selection, training and promotion, task allocation, leave arrangements, workload and equipment;
- on-site, off-site, work-related social functions and conferences;
- out of work hours interaction where there is a connection to the employment relationship;
- online or virtual via use of Councils technology and social media platforms; and
- treatment of Councillors, staff and members of the public.

**3. PRINCIPLES**

The principles associated with this policy are that:

- Sexual harassment is unlawful and will not be tolerated;
- A single incident can constitute sexual harassment;
- Council has a positive duty to ensure the health and safety of its Councillors, staff and volunteers to eliminate risks to health and safety so far as is reasonably practicable. If it is not reasonably practicable, reduce those risks so far as is reasonably practicable.
- Councillors and staff may be personally liable if allegations of sexual harassment are substantiated against them;
- Legal action may be taken against a person who has engaged in sexual harassment;
- Council recognises that comments and behaviour that do not offend one person can offend another. All Councillors and staff are required to treat others with dignity,

Prevention of Sexual Harassment Policy POL/STAFF151		
Version: 1.0	This document is uncontrolled when printed	Page 1 of 10

courtesy, respect and professionalism and must not engage in unlawful conduct, including sexual harassment.

#### 4. RESPONSIBILITIES

##### Councillors, Staff, Volunteers and Contractors

All councillors, staff, volunteers and contractors must:

- comply with this policy;
- model appropriate behaviour;
- participate in any training provided by Council, including completing any assessments;
- treat information in relation to claims of sexual harassment with appropriate confidentiality;
- ensure that a person is not victimised for making, or for being involved in, a sexual harassment complaint; and
- act in accordance with the relevant Code of Conduct and Council values, policies and procedures.

##### Management

In addition to their responsibilities as employees, those with management responsibilities must also:

- monitor the work environment;
- promote awareness of this policy within their area;
- treat all complaints seriously and take prompt and appropriate action to address them;
- discuss any concerns or potential complaint/s with their immediate supervisor as appropriate; and
- contact Human Resources for further detail on the management of reports of sexual harassment.
- Ensure that bystanders are supported to act if inappropriate behaviour is witnessed.

##### Human Resources

Human Resources is responsible for:

- providing advice in relation to matters covered by this policy;
- assisting employees and managers in understanding their roles and responsibilities;
- conducting investigations and/or engaging an independent external investigator to do so; and
- assisting with assessing whether a complaint of sexual harassment requires internal action or referral to the Victorian Police.

#### 5. POLICY

##### 5.1. What is sexual harassment?

*Sexual harassment is a specific and serious form of harassment that is unlawful and prohibited by both Victorian and Commonwealth legislation.*

Sexual harassment may take various forms and can be directed at, and perpetrated by, all persons including male, female, transgender and gender diverse. It may be physical, spoken or written and may include, but is not limited to:

- unwelcome physical contact of a sexual nature;
- comments or questions of a sexual nature about a person's private life or their appearance;

Prevention of Sexual Harassment Policy POL/STAFF151		
Version: 1.1	This document is uncontrolled when printed	Page 2 of 10

- sexually suggestive behaviour, such as leering, staring or offensive gestures;
- brushing up against someone, touching, fondling or hugging;
- sexually suggestive comments or jokes;
- displaying offensive screen savers, photos, calendars or objects;
- repeated requests to go out;
- unwanted displays or declarations of affection;
- requests for sex;
- sexually explicit emails, text messages or posts on social networking sites;
- sexual assault, indecent exposure, physical assault and stalking; and
- actions or comments of a sexual nature in a person's presence (even if not directed at that person).

The Equal Opportunity Act 2010 and the Sex Discrimination Act 1984 provide that sexual harassment occurs in circumstances in which the conduct is unwelcome and where a reasonable person, having regard to all the circumstances, would have anticipated that the other person would be offended, humiliated or intimidated.

There is no requirement that the unwelcome conduct be repeated; a one-off incident can be sexual harassment. Equally, a broader pattern of behaviour can constitute sexual harassment.

Just because someone does not object to inappropriate behaviour in the workplace at the time it occurs does not mean that they are consenting to the behaviour or consenting for the behaviour to continue at another time.

## 5.2. What is the workplace?

### 5.2.1. Within the workplace

For the purposes of sexual harassment law, a workplace is any place a person attends for the purpose of carrying out functions in connection with, or in the course of their employment or prospective employment. It includes a place that is a workplace of either, or both people involved in an incident of sexual harassment. For example, this policy also pertains to employees who visit other offices i.e. the same behavioural standards that exist in their workplaces, apply in other offices that employees visit.

Section 94 of the *Equal Opportunity Act 2010* provides that a workplace is the place a person attends for the purpose of carrying out functions in relation to their employment. It does not need to be the person's principal place of business or employment.

The workplace is not confined to the actual physical location used by the employees. It also extends to common areas such as entrances, vehicles, reception areas, corridors, kitchens and toilets of the premises.

### 5.2.2. Beyond the workplace and outside working hours (including online or virtual)

Behaviour constituting sexual harassment can occur beyond the usual workplace and outside normal working hours. For example, workplace sexual harassment can occur where there is a link to employment including (but not limited to):

- at social functions sponsored and paid for by Council;
- at social functions in connection with the team/workplace but not sponsored or paid by Council;

Prevention of Sexual Harassment Policy POL/STAFF151		
Version: 1.1	This document is uncontrolled when printed	Page 3 of 10

- in vehicles while on the way to work functions or meetings;
- at after-parties to such events (regardless of their location);
- in accommodation (including hotel rooms) associated with or provided by Council;
- online via use of technology and social media; and
- any other location in situations where the conduct commenced in the workplace and continued outside the workplace and vice-versa.

Consumption of alcohol at work functions or at a work related event outside the usual workplace and hours of work is not an excuse for conduct that constitutes sexual harassment. Staff should regulate their own behaviour and consumption of alcohol to ensure their behaviour does not adversely impact others. Councillors and staff should be mindful that in such situations, they continue to be subject to the relevant Code of Conduct.

For further information, please also refer to the Alcohol and Other Drugs Procedure PRO/STAFF146.

### 5.3. Reporting sexual harassment

Council will not stand for any form of sexual harassment in the workplace. Council strongly encourages individuals who believe they have been sexually harassed or have witnessed sexual harassment to consider the following actions:

- Make an informal or formal complaint
  - Employees and volunteers are encouraged to approach and inform their supervisor/manager in the first instance. However, if the employee feels that it is not appropriate, they may contact Human Resources for assistance;
  - Councillors are encouraged to approach and inform the Mayor in the first instance. However, if the Councillor feels that it is not appropriate, they may contact the Chief Executive Officer for assistance;
- Talk to the harasser directly - This should be done only if the individual feels comfortable and safe doing so (noting this approach may suit some situations and people but not others).

Councillors and staff affected by sexual harassment will be supported in carrying out the above actions. Council will listen to and work with individuals to ensure their safety and well-being as required by the *Occupational Health and Safety Act 2004*.

In cases of sexual assault, individuals are encouraged to make a report to the police. Employees will also be encouraged to report the incident to their supervisor/manager or Human Resources, regardless of whether a report is made to the police or not.

#### 5.3.1. Bystander intervention

Bystanders who witness or are aware of sexual harassment, can play an important role in prevention. When grounded in behaviours of integrity and respect, action taken by bystanders can positively impact on defining workplace culture.

Bystanders that are aware of a sexual harassment incident are encouraged to:

- provide support to the individual who is being subjected to sexual harassment; and
- report the sexual harassment.

Prevention of Sexual Harassment Policy POL/STAFF151		
Version: 1.1	This document is uncontrolled when printed	Page 4 of 10

In some situations, a witness may wish to remain anonymous and where appropriate, anonymity will be provided. However, it may not be possible in all circumstances to keep the identity of a person, or people providing witness statements confidential, when consideration of procedural fairness and natural justice are taken into account.

#### 5.4. Responding to sexual harassment

##### 5.4.1. Council's responsibility

If a complaint of sexual harassment is made, or sexual harassment is observed or brought to the attention of the Council, it must be acted upon as soon as practicable. All complaints are expected to be managed in a manner that gives appropriate consideration to the sensitive and confidential nature of the complaint/s, while ensuring procedural fairness to those against whom the complaint is made.

All staff with management responsibilities, regardless of level, have a responsibility to continuously improve the work culture by adopting a zero tolerance approach to sexual harassment. Management must take active steps to prevent sexual harassment in the workplace, not just respond to complaints if they arise. A failure to act on a complaint may constitute misconduct.

The appropriate action for management to take when a complaint is raised, or when a matter is otherwise brought to their attention, is likely to vary on a case-by-case basis. Council must ensure the safety and well-being of all employees as per the *Occupational Health and Safety Act 2004*.

Council must ensure that the complainant and respondent are informed of the supports available to them, such as the Employee Assistance Program as early as possible.

##### 5.4.2. Process

Complaints of sexual harassment will be considered by Council and investigated internally or by an external investigator. Managers are required to contact Human Resources for assistance in dealing with a complaint or for advice as to the best way to address a complaint.

##### 5.4.2.1. Informal process

In some instances, it may be that an informal approach is appropriate, such as conducting or facilitating discussions to address the behaviour, or refresher training for the general work area on the requirements of this policy. This training should support the regular training that is provided for Councillors and staff regarding sexual harassment and other policies and procedures.

Informal approach is usually appropriate where:

- the allegations are of a non disciplinary nature, but the individual subjected to the behaviour wants it to cease;
- the individual subjected to the behaviour wishes to pursue an informal resolution;

The employee affected should make relevant file notes regarding all conversations.

Prevention of Sexual Harassment Policy POL/STAFF151		
Version: 1.1	This document is uncontrolled when printed	Page 5 of 10



#### 5.4.2.2. Formal process

In other cases, a formal approach may be appropriate. Formal processes typically involve investigating the complaint, making a finding as to whether the sexual harassment occurred, and deciding on an appropriate outcome.

### 5.5. Procedure for Handling Formal Complaints

#### 5.5.1. How to report a complaint (internally)

Where an employee chooses to lodge their complaint formally, they can report their complaint to the following people:

- Manager
- Director
- Human Resources
- Chief Executive Officer

Advice should be sought from the Director, Human Resources or Organisational Development Manager as necessary.

Once a complaint has been lodged the Manager/Director/HR must:

- Ensure that the complaint is in writing and signed, then referred to the appropriate level of management for investigation.
- Communicate to the complainant that all details of their complaint will be handled with confidentiality.
- If necessary, determine in conjunction with the CEO, whether an independent or external party should investigate the complaint. Council will not in every instance go to an external investigator.
- Maintain file notes regarding the complaint and document all interviews, including witness interviews.

### 5.6. The Investigation Process

The investigation process may be undertaken by a Human Resources representative and either the Manager, Director or CEO, dependant on the level of complaint or an external investigator.

The investigation process is an information gathering session. There will be no presumptions of guilt and no determination made until a full investigation is completed. Employees involved in this process are advised that the role of the investigator is to objectively and impartially compile information, and make a recommendation to the Director or CEO.

During the investigation process, the following will occur:

1. The complainant makes an allegation in writing.
2. Council will determine the location for the investigation, taking into consideration the nature of the investigation.
3. Employees will be advised of their right to bring a support person, to any interviews or meetings. The support person can be another employee, a Supervisor, Manager, Union Representative or the Equal Employment Opportunity Contact Officer. The support person is not entitled to take an active part in the process of the investigation, they are there to provide support only.

Prevention of Sexual Harassment Policy POL/STAFF151		
Version: 1.1	This document is uncontrolled when printed	Page 6 of 10

4. The complainant is interviewed if their written complaint needs clarification or further detail.
5. The allegations are conveyed to the alleged offender in writing.
6. The alleged offender is given the opportunity to respond and defend themselves against the allegations within a specified time.
7. If there is a dispute over facts, statements from any witnesses and other relevant evidence is gathered to further substantiate the complaint or counter statement.
8. A finding is made as to whether the complaint has been substantiated or unsubstantiated.
9. A report documenting the investigation process, the evidence, the finding/s and a recommendation is submitted to the Director/CEO for review and consideration as to whether the finding/s are to be accepted. If accepted, consideration as to whether any action under Council's Disciplinary Policy should be taken.
10. The complainant and respondent will be informed, verbally and in writing, by their relevant Director or the CEO, of the outcome of the investigation.
11. The investigation report will remain a confidential document and will not be released to the complainant, alleged offender or witnesses, unless required by law.

In some instances the allegation may be associated with a criminal offence, in this circumstance Council may determine that the matter be referred to Victoria Police for investigation. These include, but are not limited to:

- physical molestation or assault;
- indecent exposure;
- sexual assault;
- stalking; and
- obscene communications (telephone calls, letters, etc).

It is recommended that management speak with Human Resources for advice on individual matters, as each matter must be considered on its merits.

#### **5.7. Alternative working arrangements**

Depending on the nature of the concerns raised and the parties implicated, it may be necessary or appropriate to temporarily change operations within a team to ensure a safe workplace and maintain the integrity of any review process. Human Resources and the relevant Manager may consider a number of temporary changes, these may include:

- operational change to reporting lines and team composition;
- change to seating arrangements;
- change to physical work location;
- taking periods of approved leave; or
- suspension.

The complainant should be consulted before any decision relating to temporary change involving them or the respondent is finalised. It is important that the measures do not result in any detriment to the complainant.

Human Resources can assist with conducting discussions with affected staff about any operational changes.

Prevention of Sexual Harassment Policy POL/STAFF151		
Version: 1.1	This document is uncontrolled when printed	Page 7 of 10

## 5.8. Confidentiality

Where appropriate, instances of sexual harassment will be treated in confidence in order to protect an individual's privacy as much as possible. However, allegations of sexual harassment or potential criminal conduct are serious and should be considered accordingly. In some instances, a matter may need to be escalated or referred without agreement from the Councillor or employee, particularly in circumstances that may:

- constitute a criminal offence;
- constitute an occupational health and safety risk; or
- require disciplinary action.

Only relevant persons in Council will be advised of the allegation and any arrangements necessary for the purpose of managing the allegation. At the time the allegation is made, Council should notify the parties who, within the organisation, will be privy to this information.

## 5.9. Natural justice and procedural fairness

Both the complainant and respondent are to be afforded natural justice and procedural fairness. This will allow relevant evidence to be examined in a procedurally fair way. Relevant evidence might include manager reports, emails, witness reports of the alleged conduct, text messages or the complainant's personal records.

When considering the report of sexual harassment the complainant and respondent will be:

- treated fairly and respectfully; and
- allowed the opportunity to respond to any allegations made against them before any report is finalised and a final decision is made.

## 5.10. Additional considerations

### 5.10.1. Consent

A key element of sexual harassment is that it is unwelcome.

It is important to note that if a person does not object to inappropriate behaviour at the time; it should not be assumed that they are giving their consent. Consent exists where clear and unambiguous consent has been freely given and continues to be given.

### 5.10.2. Intent

The Equal Opportunity Act 2010 and the Sex Discrimination Act 1984 provide that sexual harassment occurs in circumstances in which the conduct was unwelcome and a reasonable person, having regard to all the circumstances, would have anticipated that the other person would be offended, humiliated or intimidated.

Sexual harassment can still occur even when a harasser does not intend it. Motive is irrelevant; the test focuses on how the behaviour is received by the other person. It is the responsibility of every individual to ensure that they do not engage in any behaviour that could amount to sexual harassment.

Council will not excuse sexual harassment which was intended as a joke if it meets the legal definition.

Prevention of Sexual Harassment Policy POL/STAFF151		
Version: 1.1	This document is uncontrolled when printed	Page 8 of 10

### 5.10.3. Technology and social media

Sexual harassment can occur through electronic means (such as emails or text messages or by viewing pornographic websites) and through social media, regardless of whether the post was made during work hours or not. Where there is a link to employment, employees are subject to the same rules about sexual harassment in the virtual world as they are in the real world.

As such, employees are required to use technology and social media responsibly in the workplace and in relation to anything or anyone associated with the workplace. This extends to the use of technology and social media outside the workplace where there is a connection to the employment relationship (for example, between colleagues where the foundation of the relationship is a common workplace).

### 5.10.4. Behaviour not considered to be sexual harassment

Sexual or romantic interaction that is entered into freely and is reciprocated between consenting parties, is not a form of sexual harassment. This includes sexual interaction, flirtation, attraction or friendship which is invited, mutual, consensual or reciprocated action.

This does not mean that sexual or romantic interactions between Councillors and/or employees are always appropriate. Employees may face disciplinary action where their actions adversely affect other employees or their workplace responsibilities.

### 5.10.5. Victimisation

Any person found to victimise, harass or retaliate against people participating in processes associated with this policy may be subject to separate disciplinary action.

### 5.10.6. Information or claims without substance

Employees found to have knowingly provided false information, or knowingly made allegations of sexual harassment without any substantive merit, may be subject to separate disciplinary action.

## 5.11. Support options

A range of options are available to provide support in regards to sexual harassment. Council's primary contact is Human Resources.

### 5.11.1. Employee Assistance Program (EAP)

Council provides an EAP, which is a short-term, confidential, counselling service designed to offer a problem-solving, solution-oriented approach to support employees with personal or work-related issues.

The EAP is staffed by independent qualified practitioners.

All employees (and their immediate family) have access to the EAP, which provides for a limited number of counselling sessions at no cost to the employee, and can be provided over the phone or face-to-face.

Council's EAP details can be obtained from the Human Resources Unit upon request.

Prevention of Sexual Harassment Policy POL/STAFF151		
Version: 1.1	This document is uncontrolled when printed	Page 9 of 10

### 5.11.2. External support

Complaints of sexual harassment can be lodged with the Victorian Equal Opportunity and Human Rights Commission, the Victorian Civil and Administrative Tribunal and in some circumstances, with a union, WorkSafe Victoria, Fair Work Commission, or the Australian Human Rights Commission.

If the complaint appears to be a criminal offence, the complainant and/or Council may report the matter to Victoria Police.

An employee may also wish to access other support services, such as Centres Against Sexual Assault.

## 6. RELATED POLICIES/PROCEDURES/DOCUMENTS

CPOL/GOV026 Councillor Code of Conduct  
POL/STAFF127 Staff Code of Conduct  
POL/STAFF104 Disciplinary Policy  
PRO/STAFF146 Alcohol and Other Drugs Procedure  
POL/STAFF105 Equal Employment Opportunity

## 7. RELATED LEGISLATION

*Equal Opportunity Act 2010*  
*Sex Discrimination Act 1984*  
*Gender Equality Act 2020*  
*Privacy and Data Protection Act*  
*Crimes Act 1958*  
*Age Discrimination Act 2004*  
*Occupational Health and Safety Act 2004*  
*Disability Discrimination Act 1992*  
*Racial Discrimination act 1995*  
*The Victorian Charter of Human Rights and Responsibilities 2006*  
*Australian Human Rights Commission Act 1986 (Cth)*  
*Fair Work Act 2009 (Cth)*  
*Workplace Injury Rehabilitation and Compensation Act 2013*

## 8. DOCUMENT HISTORY

Version Number	Issue Date	Description of Change
1.0	May 2022	Initial release
1.1	October 2024	Reviewed

**Signed:** \_\_\_\_\_ **Mayor** **Date:** \_\_\_\_\_

Prevention of Sexual Harassment Policy POL/STAFF151		
Version: 1.1	This document is uncontrolled when printed	Page 10 of 10

## 2.5 Event Support Program - Requests for Funding

**Directorate:** Development and Planning  
**File Number:** S 17-01-01-10  
**Purpose:** For Decision

### Council Plan Strategy Addressed

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

#### **1.4 Foster Creative and Cultural opportunities**

1.4.1 Promote and celebrate the creative and cultural pursuits within the region

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

#### **3.2 An engaged and respected Aboriginal community**

3.2.2 Encourage and support community leadership

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

#### **4.3 Bold leadership, strong partnerships and effective advocacy**

4.3.1 Create meaningful partnerships across our communities

### Current Strategic Documents

Council Plan  
Lake Boga Community Plan 2021-2025  
Robinvale Community Plan 2031

### Declarations of Interest

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

### Summary

The purpose of this report is to provide information on two requests for event funding that have been made by organisers of events in Robinvale and Lake Boga to allow the Council to determine if they will provide additional event funding.

### Discussion

Council each year allocates funding to a variety of events to be staged throughout the municipality through its annual grants program. Any request for event support outside of the annual program must be brought before the Council for consideration and a formal decision in accordance with the policy.

In assessing applications, the Events Support Committee can provide two levels of support – an allocation of cash or alternatively an allocation of funding towards logistical support.

In the case of logistical support which goes towards covering things like event management fees, road closures, traffic management the funding allocated is retained by Council and is deducted from the overall budget based on the relevant costs incurred.

Council have received two requests for funding from the following event organisers:

- Robinvale Christmas Community Event
- Lake Boga New Years Eve Fireworks Event

### **Robinvale Christmas Community Event**

Organisers of the event are seeking an event support allocation of \$1,500 to cover logistical costs that will now be incurred because of a change in the event plan involving closure of Perrin Street in addition to the use of Caix Square.

It should be noted that the request will result in an internal transfer of the funding requested and that the Committee do not receive the funding.

Council has traditionally supported this community event through its events program through a combination of both cash and logistical support.

The Robinvale Christmas Community Event made the decision for this year's event to apply for flood funding money and did not submit an application to the Council's Events Support Fund.

### **Lake Boga New Years Eve Fireworks Event**

Organisers of this event are seeking additional events funding to cover the costs associated with the staging of the New Years Fireworks event.

This will be the third year that the event will be held, and Council has provided a financial contribution each year from either the events support fund or flood recovery funding.

It should be noted that the organisers have approached Council with a similar request for additional funding for each year the event has been held.

The Event Support Fund Committee this year recommended that the Lake Boga New Years Eve Fireworks Event receive an allocation of \$2,500 in cash and \$2,000.00 in logistical support. The current request is for an additional \$5000 cash amount.

The event is not eligible to receive flood funding as it has received an allocation from Council.

The organisers have advised that they have raised \$11,000 of a budget of \$16,000 to conduct the event including a \$1,000 contribution from Swan Hill Inc.

Council has previously provided additional funding for the event but has also requested that the event organisers look to grow the event so that it can be financially sustainable.

The organisers had indicated that they were looking at introducing Food Trucks and entertainment to improve the event which in turn would attract more people and potentially additional income.

The introduction of these features did not occur for last year's event and a review of the budget associated for the 2024 New Years Event indicates that the total amount of expenditure will again be directed towards the fireworks only.

### **Consultation**

Council Officers have engaged in discussions with organisers of both events to discuss the requests for additional funding.

With respect to the Lake Boga New Years Eve Fireworks Event, Council should again consider requesting from the organisers how they intend making the event becoming financially viable and how the additional funds provided will support the event beyond just the provision of fireworks, to ensure that it provides a range of options for families including food and entertainment.

### **Financial Implications**

There is sufficient funding in the Events Support Program to cover the additional requests for financial support.

### **Social Implications**

The two events enable the community to come together to enjoy the holiday season and both events are family friendly.

### **Economic Implications**

There is a level of positive economic activity in that event organisers source local businesses for goods and services associated with the events.

### **Environmental Implications**

Nil.

### **Risk Management Implications**

If funding cannot be obtained, there is a risk that the events may have to be cancelled.

**Attachments:** Nil



**Options**

1. Council can provide the additional financial support to the two events as per the amounts requested:
  - a. Allocate an additional amount of \$1,500 to the Robinvale Christmas Community Event for logistical support.
  - b. Allocate an additional \$5,000 (cash) to the Lake Boga New Years Eve Fireworks Event.
2. Council could provide additional financial support to the two events but at a reduced amount.
3. Council could advise the two event organisers that they will not provide any additional funding.

**Recommendation/s****That Council:**

- 1. Provide the Robinvale Christmas Community Event with an amount of \$1,500 for logistical support for their event to be funded from the Events Support Program.**
- 2. Provide the Lake Boga New Years Eve Fireworks Event with cash contribution of \$5,000 to be funded from the Events Support Program.**

**CM 2024/214 Motion****MOVED Cr Jennings****That Council:**

- 1. Provide the Robinvale Christmas Community Event with an amount of \$1,500 for logistical support for their event to be funded from the Events Support Program.**
- 2. Provide the Lake Boga New Years Eve Fireworks Event with cash contribution of \$5,000 to be funded from the Events Support Program.**

**SECONDED Cr Broad**

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

## 2.6 Australia Day 2025

**Directorate:** Development and Planning  
**File Number:** S01-01-08  
**Purpose:** For Decision

### Council Plan Strategy Addressed

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

#### **1.4 Foster Creative and Cultural opportunities**

1.4.1 Promote and celebrate the creative and cultural pursuits within the region

### Current Strategic Documents

Council Plan  
Annual Report  
Budget

### Declarations of Interest

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

### Summary

To update Council regarding the suite of events organised for Australia Day Celebrations in 2025.

### Discussion

Following the review of the 2024 Australia Day Celebrations, the Australia Day Celebrations across the municipality will include:

#### **Saturday, 25 January 2025**

##### Award and Citizenship Ceremony – Robinvale, 9am to 11am

- The event will run in the same format as last year, with a Welcome to Country accompanied by a local Didgeridoo artist.
- Following the Welcome to Country, the Mayor will be presenting Awards to local winners.
- A citizenship ceremony will then take place, 8 conferees will be completing the pledge.
- After all the official ceremonies, attendees will be invited to enjoy refreshments.

##### Awards and Citizenship Ceremony - Swan Hill, 6pm to 8pm

- The event will run in the same format as last year, with a Welcome to Country accompanied by a local Didgeridoo artist.

- Following the Welcome to Country, the Mayor will be presenting Awards to local winners.
- A citizenship ceremony will then take place, 21 conferees will be completing the pledge.
- After all the official ceremonies, attendees will be invited to enjoy refreshments.

Note: We have allowed room in the schedule for the Mayor to visit our smaller towns, if winners are unable to attend the above awards ceremonies.

## **Sunday, 26 January 2025**

### Small Town Events

Small towns continue to undertake Australia Day events across the municipality and have been supported with an annual allocation of funding to help run their events. Beverford, Lake Boga, Nyah/Nyah West, Boundary Bend, Manangatang, Piangil and Wemen, Woorinen will run events.

Robinvale and Euston run a combined event.

### Swan Hill Australia Day Breakfast – 7am to 10am

As a result of Council calling for expressions of interest from community groups within Swan Hill the Rotary Club of Swan Hill have advised that they are willing to host an Australia Day Breakfast being conducted in Riverside Park Swan Hill.

It was recognised that such an event may not be on the scale of the historical Australia Day Breakfasts, however the Rotary Club of Swan Hill representatives indicated that they felt that it was important to have an event.

The following format will be used:

- Rotary Club of Swan Hill will be collaborating with the Lions Club and Sunrise Rotary to hold the Australia Day breakfast at Riverside Park.
- Attendees will have the opportunity to either buy or bring their own breakfast and enjoy local entertainment.
- Council will be providing funding support to the value of \$3500 which will be used for costs associated with the provision of the sound system, entertainment and breakfast items and \$109 towards logistical support to cover cost of the permit and the use of chairs.
- Entertainment will be sourced by the Rotary Club of Swan Hill.
- A request has been made that, if possible, the Council's Australia Day Award winners attend the breakfast event as well as the Mayor.
- The Rotary Club of Swan Hill will reach out to the First Nations Community inviting them to be a part of the event.

The organising committee for the event has contacted Council to advise that they intend making the event a free event although they will be accepting gold coin donations with the proceeds to be used for future Australia Day Breakfasts.

**Swan Hill Shared Connections Event – 6pm to 8pm, 26 January 2025**

- Council has secured \$10,000 grant through the National Australia Day Council for the Shared Connections Event, which will be held in the evening at Riverside Park. This is the second year that Council have applied for and been successful in receiving the funding. The funding is used for costs associated with all the various planned activities in both Robinvale and Swan Hill
- The event will include Community Leadership Awards, entertainment from Marook, tastings and a sunset Ceremony.

**Consultation**

After consultation with the Australia Day Committee, a working group comprised of Economic and Community Development Unit, Executive Office, Media, Town Hall and the Robinvale Resource Centre staff was established to develop the format for the Australia Day Events.

Council received a briefing on the outcomes of the community survey following the 2024 Australia Day Events and there was a clear indication from those who responded that there was a desire to again conduct an Australia Day Breakfast in Swan Hill on 26 January.

Council directed a process to call for expressions of interest from interested community groups or individuals wishing to host an Australia Day event and placed advertisements in the local media and on its webpage.

**Financial Implications**

Council has an annual budget of allocation of \$20,000 that is used to stage Australia Day activities throughout the Municipality with proposed expenditure as follows:

**Awards and Citizenship Ceremonies**

\$10,000

**Small Towns Contribution**

\$1,550

**Australia Day Breakfast**

\$3,500 + logistical support

**Advertising**

\$2,000

**Shared Connections Day**

\$10,000 (funded through the National Australia Day Council)

**Social Implications**

Celebrating Australia Day encourages our communities to come together. As a result of Council undertaking a community survey on last year's Australia Day activities, Council elected to seek expression of interest to run a community event.

**Economic Implications**

There is a general level of economic benefit for local business due to the staging of Australia Day Events as items required for the activities are sourced locally.

**Environmental Implications**

Nil.

**Risk Management Implications**

Events on Council owned/managed properties must apply for an Event Permit through Council's Event Application Process.

**Attachments:** Nil

**Options**

1. Council can continue to provide the financial and logistical support to all the Australia Day activities and events that will be staged throughout the municipality in 2025.
2. Council can support the Rotary Club of Swan Hill to run an Australia Day breakfast at Riverside Park and provide a \$3500 grant and logistical support.
3. Council can choose not to support an Australia Day Breakfast in Swan Hill and advise the Rotary Club of Swan Hill

**Recommendation/s**

**That Council:**

1. **Acknowledge and support the wide range of Australia Day Events across the municipality.**
2. **Allocates event funding to the Rotary Club of Swan Hill \$3,500 - financial and logistical support to hold an Australia Day Breakfast at Riverside Park, Swan Hill.**

**CM 2024/215 Motion**

**MOVED Cr McPhee**

**That Council:**

1. **Acknowledge and support the wide range of Australia Day Events across the municipality.**
2. **Allocates event funding to the Rotary Club of Swan Hill \$5,000 - financial and logistical support to hold an Australia Day Breakfast at Riverside Park, Swan Hill.**

**SECONDED Cr Rogers**

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

## 2.7 Planning Application - 9 Gummow Street SH - Development of Two Dwellings and Subdivision of Land (2 lots) in the GRZ

**Directorate:** Development and Planning  
**File Number:** PLN2024064  
**Purpose:** For Discussion

### EXECUTIVE SUMMARY

<b>Application Number:</b>	<b>PLN2024064</b>
<b>Proposal:</b>	Development of Two Dwellings and Subdivision of Land (2 lots) in the General Residential Zone.
<b>Applicant's Name:</b>	McKnight & Bray Building Design Pty Ltd
<b>Address:</b>	9 Gummow Street Swan Hill
<b>Land Size:</b>	1012.94 m <sup>2</sup>
<b>Site Features:</b>	Existing dwelling and an associated outbuilding
<b>Zoning:</b>	General Residential Zone (Schedule)
<b>Overlays:</b>	Specific Controls Overlay
<b>Referral Authorities:</b>	SHRCC Engineering
<b>Why is a Permit Required?</b>	More than one dwelling on a lot and subdivision
<b>Lodgement date:</b>	08 August 2024

### Declarations of Interest:

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

### Summary:

The purpose of this report is to provide Council with an analysis of an application for the development of two dwellings and subdivision of the land into two lots within General Residential Zone.

The application was advertised, and one objection was received raising concerns in relation to parking, the front setback and neighbourhood character.

The assessment of the proposal against the planning scheme provisions has concluded that the proposed development positively impacts the region and should be supported.

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

The application satisfies the relevant provisions and policies within the Swan Hill Planning Scheme. The proposed development will align with Swan Hill's strategy to concentrate population growth within the town boundaries, especially near the town centre. By facilitating infill residential development, the proposal will contribute to the efficient use of existing infrastructure and reduces pressure on the urban sprawl.

The design of the development will respect the neighbourhood character by maintaining the prevailing built form. The absence of a front fencing will enhance the openness of the streetscape thereby contributing positively to the visual amenity.

The proposal will align with the established neighbourhood character by reflecting the low-rise, residential nature of Gummow Street. It incorporates materials, height and setbacks in line with local development trends, ensuring integration with existing dwellings.

Additionally, the development promotes housing diversity by introducing two modern dwellings thereby enhancing the mix of housing options available in the region. The proposal satisfies strategic objectives by consolidating urban development and accommodating growth within an established area. Overall, the proposal is consistent with municipal and state level planning policies.

### **Policy Impacts:**

The subject site is located within a General Residential Zone (GRZ) and the purpose of the zone is:

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

The development of two or more dwellings and subdivision require a planning permit under the zone.

## Consultation:

The application was advertised pursuant to Section 52 of the Planning and Environment Act 1987. One objection was received at the end of the public notification period. Following are the concerns raised by the objector and the officer's response to each concern:

Concern	Officer's Response
Street Parking	Each dwelling will have a double garage, and the car parking requirements will be provided in accordance with car parking provisions within the Swan Hill Planning Scheme. Therefore, the proposal does not result in an increase in demand for on-street car parking.
Adjoining Structures (Site Boundary)	<p>The existing garage is proposed to be removed, and in its place, the developer/owner will construct a new 1.8m high colorbond boundary fence which will also serve as a compliant pool barrier. Based on the current proposal design, the new fence will not require a new pool compliance check. Appropriate conditions have been included in the permit to make sure the proposed development is compliant.</p> <p>In addition to the above, the developer/owner is also open to increasing the fence height to 2.4m, if preferred by the objector. However, this will not be consistent with the neighbourhood character in relation to boundary fencing.</p>
Setback (Street Front)	<p>The proposed setback of 6m for dwelling 1 at 9 Gummow Street is consistent with the general streetscape along Gummow Street.</p> <p>The variation to the setback will add a variety within the streetscape. There is no consistent pattern in the area in relation to front setbacks. Some dwellings are located close to the street, and some are setback significantly.</p> <p>The proposed setback variation will therefore respect the neighbourhood character by adding a variety. Varied front setbacks will not create bulk along the streets. The variation to front setback will allow the development to respond to the characteristics and constraints of the site.</p> <p>A different setback as discussed above will be more appropriate while taking into account the prevailing setbacks of existing buildings on nearby lots.</p> <p>The visual impact of the dwellings when viewed from the street and from adjoining properties will be enhanced.</p>



<p>Character of the Street</p>	<p>There are precedents of developments of similar nature along Gummow Street consisting of multi-unit developments which means the proposal will not be foreign to the area.</p> <p>The materials used in the proposed development are also consistent with the surrounding residential buildings. The proposed development does not include a front fence which will enhance the streetscape through mitigation measures such as landscaping.</p> <p>Respecting neighbourhood character is not about replicating what exists. An area of incremental change means change is foreseen and that contemporary design adds contrast to designs that have been applied in the past. The proposal respects the character of the neighbourhood.</p>
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### **Financial Implications:**

Nil

### **Social Implications:**

The proposed development has positive social implications by contributing to housing diversity and affordability in Swan Hill. By creating two modern, well-designed dwellings within proximity to the town centre. The addition of high-quality housing will improve the neighbourhood's overall amenity and supports a more vibrant, sustainable community.

### **Economic Implications:**

Nil

### **Environmental Implications:**

Nil

### **Risk Management Implications:**

Nil

### **Conclusion:**

The proposed development of two dwellings and subdivision of land at 9 Gummow Street, Swan Hill will represent a well-considered response to the region's growing need for diverse and sustainable housing options. The development aligns with key policies outlined in the Swan Hill Planning Scheme and the Planning Policy

Framework, facilitating moderate-density growth while respecting the established neighbourhood character.

The proposed development offers a positive contribution to the local community by providing modern, well-located housing that supports the efficient use of existing infrastructure and encourages growth within the town boundaries.

Given its compliance with relevant planning provisions and its overall positive impact on the region's housing supply, it is recommended that Council issues a Notice of Decision to Grant a Planning Permit.

**Options: (choose applicable):**

1. Council approve the planning permit application and issue a Notice of Decision to Grant a Planning Permit subject to conditions.
2. Council refuse the planning permit application and outline the grounds it would rely on.

- Attachments:**
1. Objection [2.7.1 - 5 pages]
  2. TOWN PLANNING PLANS Redacted [2.7.2 - 21 pages]

**Recommendation/s**

**That Council issue a Notice of Decision to Grant a Planning Permit for PLN2024064 pursuant to Section 60(1) of the *Planning and Environment Act 1987* for Development of Two Dwellings and Subdivision of Land (2 lots) in the General Residential Zone at 9 Gummow Street SWAN HILL 3585 subject to the following conditions:**

**No. of Conditions: 28**

**Proposed Conditions:**

**Plans**

1. Before the development starts or the certification of the plan of subdivision (whichever occurs first), amended plans must be approved and endorsed by the Responsible Authority. The amended plans must:
  - Be prepared to the satisfaction of the Responsible Authority
  - Be prepared by a suitably qualified person
  - Have plans drawn to scale with dimensions
  - Be submitted to the Responsible Authority in electronic form
  - Include the following:
    - a. Location of mailboxes for both dwellings;
    - b. Amended landscape plan to include the following;

- i. The location of each species to be planted and the location of all areas to be covered by grass, lawn or other surface material;  
(Native species need to be planted being consistent with the environment of the area)
  - ii. Paving, retaining walls, fence design details and other landscape works including areas of cut and fill;
  - iii. Appropriate irrigation systems;
  - iv. The provision of native canopy trees throughout the development as appropriate, including in the front setback area of the dwelling 1.
  - v. Additional landscaping along the driveway as appropriate.
2. The layout of the development must not be altered from the layout on the approved and endorsed plans without the written consent of the Responsible Authority.
3. The layout of subdivision must not be altered from the layout on the approved and endorsed plans without written consent of the Responsible Authority.

### **Section 173 Agreement**

4. Before a Statement of Compliance for the plan of subdivision is issued under the Subdivision Act 1988, the owner must enter into an agreement with the responsible authority under section 173 of the Planning and Environment Act 1987. The agreement must provide the following:
  - a. each lot must only be developed in accordance with the development approved under planning permit PLN2024064 unless otherwise agreed in writing by the responsible authority.
  - b. the agreement will cease to apply to any lot 12 months after the issue of an occupancy certificate for the dwelling on that lot
  - c. this requirement will not apply to any lot if construction of development under planning permit PLN2024064 on that lot has been completed to the satisfaction of the responsible authority before the statement of compliance is issued.

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

### **Fencing**

5. Within seven (7) days of demolition of the existing garage, the southern boundary fence must be constructed to a standard that provides adequate

protection and satisfies swimming pool registration standards to the satisfaction of the Responsible Authority at the cost of the owner.

6. A temporary fence must be constructed prior to erection of the permanent fence required by Condition 5, in consultation with the adjoining property to the south to provide temporary security and prohibit access to the satisfaction of the Responsible Authority at the cost of the owner.
7. The temporary fence required by Condition 6 must remain in place and maintained until the permanent fence is erected to the satisfaction of the Responsible Authority.

## **Landscaping**

6. Prior to the occupation of the development hereby approved, the landscaping shown on the approved landscape plan must be carried out and completed to the satisfaction of the Responsible Authority. The Responsible Authority may consent in writing to vary this requirement.
7. At all times the landscaping shown on the approved landscape plan must be maintained (including the replacement of any dead, diseased or damaged plants) to the satisfaction of the Responsible Authority.

## **Amenity**

8. The development 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. Appearance of any building, works or materials
  - c. Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, wastewater, waste products, grit or oil
  - d. Presence of vermin

To the satisfaction of the Responsible Authority

9. All external lighting must be designed, baffled and located so as to prevent adverse effect on adjoining land, to the satisfaction of the Responsible Authority.
10. No mud, dirt, sand, soil, clay, stones, oil, grease, scum, litter, chemicals, sediments, gross pollutants, animal waste or domestic waste shall be washed into, allowed to enter or discharged to the stormwater drainage system, receiving waters or surrounding land and road reserves, during the construction works hereby approved to the satisfaction of the Responsible Authority.

11. Before the development is occupied, the internal access driveways must be constructed, formed, finished and drained to the satisfaction of the Responsible Authority.
12. Prior to the completion of development, any new boundary fencing required by this permit must be constructed and maintained to the satisfaction of the responsible authority and paid for in full by the owner of the land.
13. All pipes, fixtures, fittings, ducts and vents servicing any building on the land, other than stormwater down pipes and gutters above the ground floor storey of the building, must be concealed in service ducts or otherwise hidden from view to the satisfaction of the responsible authority.
14. Areas set aside for the parking and movement of vehicles as shown on the endorsed plan must be made available for such use and must not be used for any other purpose.
15. Prior to the issue of the Statement of Compliance for the subdivision, outbuilding on Lot 2 must be removed or demolished to the satisfaction of the Responsible Authority in the event of occurrence of subdivision prior to the commencement of the development.

### **Subdivision Conditions**

16. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities, electricity and gas (where it is proposed to be connected) services to each lot shown on the endorsed plan in accordance with the authority's requirements and relevant legislation at the time.
17. 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.
18. 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.
19. The owner of the land must enter into an agreement with:
  - a. a telecommunications network or service provider for the provision of telecommunication services to each lot shown on the endorsed plan in accordance with the provider's requirements and relevant legislation at the time; and

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

## **Engineering Department**

### New Vehicle Crossing

- 21. Prior to issuing the Statement of Compliance for the subdivision or the occupation of the development (whichever occurs first), a vehicular crossing to service Lot 1 must be constructed in accordance with the endorsed plan(s) to the satisfaction of the Responsible Authority, and must:
  - a. Be constructed at right angles to the road
  - b. Be setback a minimum of 1m from any side-entry pit, power or telecommunications pole, manhole cover or market, street tree; and
  - c. Be at least 9 metres apart from the existing vehicle crossing

### Sediment Discharges

- 22. The applicant/owner must restrict sediment discharges from any construction sites within the property, to the satisfaction of the Responsible Authority.

### Drainage Plans and Legal Point of Discharge

- 23. Prior to the commencement of the works or the plan of subdivision is certified (whichever occurs first), a drainage plan with computations prepared by a

suitably qualified and experienced person to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions. The plans must be in accordance with Infrastructure Design Manual and include:

- a. How the land will be drained;
  - b. Underground pipe drains conveying stormwater to the legal point of discharge;
  - c. Measures to enhance stormwater discharge quality from the site and protect downstream waterways;
  - d. A maximum discharge rate from the site equivalent to predevelopment rate of discharged;
  - e. Documentation demonstrating approval from the relevant authority for legal point of discharge.
24. Before the development is occupied or the issuing of the Statement of Compliance for the subdivision, all drainage works are required by the approval drainage plan must be completed to the satisfaction of the Responsible Authority.
25. Prior to the occupation of the development or issuing of a Statement of Compliance for the subdivision (whichever occurs first), all stormwater and surface water drainage from the land, buildings and works must be connected to the legal point of discharge by underground pipe drains to the satisfaction of the Responsible Authority. Effluent and/or polluted water must not be discharged to Council's stormwater drainage system from the land.
26. The stormwater runoff from the development must be connected into the existing drainage system, to the satisfaction of the Responsible Authority.
27. Prior to works commencing or certification of the plan of subdivision (whichever occurs first), the flow paths of 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 Drainage Plans and submitted to the Responsible Authority for approval.

### **Permit Expiry**

28. This permit will expire if one of the following circumstances applies:
- a. The development is not started within 2 years of the issued date of this permit.
  - b. The development is not completed within 4 years of the issued date of this permit.

- c. The plan of subdivision has not been certified under the *Subdivision Act 1988* within 2 years of the issued date of this permit.
- d. A statement of compliance is not issued within 5 years of the date of certification.

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

## **CM 2024/216 Motion**

### **MOVED Cr McPhee**

**That Council issue a Notice of Decision to Grant a Planning Permit for PLN2024064 pursuant to Section 60(1) of the *Planning and Environment Act 1987* for Development of Two Dwellings and Subdivision of Land (2 lots) in the General Residential Zone at 9 Gummow Street SWAN HILL 3585 subject to the following conditions:**

**No. of Conditions: 28**

### **Proposed Conditions:**

#### **Plans**

1. Before the development starts or the certification of the plan of subdivision (whichever occurs first), amended plans must be approved and endorsed by the Responsible Authority. The amended plans must:
  - Be prepared to the satisfaction of the Responsible Authority
  - Be prepared by a suitably qualified person
  - Have plans drawn to scale with dimensions
  - Be submitted to the Responsible Authority in electronic form
  - Include the following:
    - a. Location of mailboxes for both dwellings;
    - b. Amended landscape plan to include the following;
      - i. The location of each species to be planted and the location of all areas to be covered by grass, lawn or other surface material;  
(Native species need to be planted being consistent with the environment of the area)
      - ii. Paving, retaining walls, fence design details and other landscape works including areas of cut and fill;



- iii. Appropriate irrigation systems;
  - iv. The provision of native canopy trees throughout the development as appropriate, including in the front setback area of the dwelling 1.
  - v. Additional landscaping along the driveway as appropriate.
2. The layout of the development must not be altered from the layout on the approved and endorsed plans without the written consent of the Responsible Authority.
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- a. each lot must only be developed in accordance with the development approved under planning permit PLN2024064 unless otherwise agreed in writing by the responsible authority.
  - b. the agreement will cease to apply to any lot 12 months after the issue of an occupancy certificate for the dwelling on that lot
  - c. this requirement will not apply to any lot if construction of development under planning permit PLN2024064 on that lot has been completed to the satisfaction of the responsible authority before the statement of compliance is issued.

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

### **Fencing**

5. Within seven (7) days of demolition of the existing garage, the southern boundary fence must be constructed to a standard that provides adequate protection and satisfies swimming pool registration standards to the satisfaction of the Responsible Authority at the cost of the permit holder.
6. A temporary fence must be constructed prior to erection of the permanent fence required by Condition 5, in consultation with the adjoining property to the south to provide temporary security and prohibit access to the satisfaction of the Responsible Authority at the cost of the permit holder.

7. The temporary fence required by Condition 6 must remain in place and maintained until the permanent fence is erected to the satisfaction of the Responsible Authority.

## **Landscaping**

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8. The development 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. Appearance of any building, works or materials
  - c. Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, wastewater, waste products, grit or oil
  - d. Presence of vermin

To the satisfaction of the Responsible Authority

9. All external lighting must be designed, baffled and located so as to prevent adverse effect on adjoining land, to the satisfaction of the Responsible Authority.
10. No mud, dirt, sand, soil, clay, stones, oil, grease, scum, litter, chemicals, sediments, gross pollutants, animal waste or domestic waste shall be washed into, allowed to enter or discharged to the stormwater drainage system, receiving waters or surrounding land and road reserves, during the construction works hereby approved to the satisfaction of the Responsible Authority.
11. Before the development is occupied, the internal access driveways must be constructed, formed, finished and drained to the satisfaction of the Responsible Authority.

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15. Prior to the issue of the Statement of Compliance for the subdivision, outbuilding on Lot 2 must be removed or demolished to the satisfaction of the Responsible Authority in the event of occurrence of subdivision prior to the commencement of the development.

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can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.

20. Before the issue of a Statement of Compliance for any stage of the subdivision under the *Subdivision Act 1988*, the owner of the land must provide written confirmation from:

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## **Engineering Department**

### New Vehicle Crossing

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- a. Be constructed at right angles to the road
- b. Be setback a minimum of 1m from any side-entry pit, power or telecommunications pole, manhole cover or market, street tree; and
- c. Be at least 9 metres apart from the existing vehicle crossing

### Sediment Discharges

22. The applicant/owner must restrict sediment discharges from any construction sites within the property, to the satisfaction of the Responsible Authority.

### Drainage Plans and Legal Point of Discharge

23. Prior to the commencement of the works or the plan of subdivision is certified (whichever occurs first), a drainage plan with computations prepared by a suitably qualified and experienced person to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part

of the permit. The plans must be drawn to scale with dimensions. The plans must be in accordance with Infrastructure Design Manual and include:

- a. How the land will be drained;
  - b. Underground pipe drains conveying stormwater to the legal point of discharge;
  - c. Measures to enhance stormwater discharge quality from the site and protect downstream waterways;
  - d. A maximum discharge rate from the site equivalent to predevelopment rate of discharge;
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- a. The development is not started within 2 years of the issued date of this permit.
  - b. The development is not completed within 4 years of the issued date of this permit.
  - c. The plan of subdivision has not been certified under the *Subdivision Act 1988* within 2 years of the issued date of this permit.

- d. A statement of compliance is not issued within 5 years of the date of certification.

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

**SECONDED Cr Rogers**

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

Cr Rogers left the meeting at 2:36 pm due to a conflict of interest in items "2.8 Amendment of Section 173 Agreement - 52 Little Murray" and "2.9 Refusal of Extension of Time application - 27 River Road Swan Hill".

The information contained in this document has been redacted as defined in the Privacy & Data Protection Act 2014 and is provided for the purpose of the planning process as set out in the Planning and Environment Act 1987. The information must not be used for any other purpose. By entering this Internet site you acknowledge and agree that you will only use the document for the purpose specified above and that any dissemination or distribution of this information is strictly prohibited. If you have any questions, please contact Council's Privacy Officer on 5036 2333.



## 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:**

**Address:**

**Phone:**

**Email:**

### What application do you object to?

**Permit application No:** PLN2024064

**Address of proposed permit:** 9 Gummow Street SWAN HILL VIC 3585

**What is proposed:** Development of Two Dwellings and Subdivision of Land (2 lots) in the General Residential Zone.

### The Objection:

#### Reasons for your objection

I object to this application for the following reasons:

Apologies for the late objections since we only arrived home from holidays in SA on Friday 27 September 2024 to find the notice of Application for a Planning Permit in our mail, with date ended also on Friday 27 September 2024. A phone call to Council today (2:50pm Monday 30 Sept) indicated to make an objection this week as the permit had not yet been granted. She also has referred this onto the Planner for them to make contact with me about the relevant concerns. Due to my concerns at having my objections reviewed prior to a permit being granted, I am submitting this submission as I have not had contact from the Planner as yet (4:30 pm Monday 30 Sept 2024).

#### Parking

\*Parking in Gummow Street is already difficult with hospital staff availing themselves of our street parking. The addition of another crossover to 9 Gummow Street will remove parking options for residents and their guests.

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](mailto:council@swanhill.vic.gov.au)  
ABN 97435620016

\*With an extra residence, and extra visitors to the street, the possibility of off street parking has now been significantly reduced with the additional crossover and more visitors to the street. Visitors to either of the 9 Gummow St residences may be forced to park further down the street, reducing options for other residents, like ourselves, and our guests.

\* The current crossover appears to be 3.5 metres in width, however the additional crossover appears to be even larger and I believe that the total crossover length appears to exceed the 33% suggested for permits. I have looked at the plan for measurements however have not been able to determine the actual measurements of the new crossover to 9 Gummow St, but the new crossover appears to be even larger than the existing one. The new crossover services a double garage which appears to be 6m in width, and the plans show a crossover to be almost this size. Given that my car is about 5m long, it appears that only one car would be able to park safely in front of 9 Gummow St without the fear of being hit by cars reversing from either driveway. There appears to be less than 40% of the existing boundary left to park against safely.

How are we affected?

I, and my guests, will find it difficult to park out the front of my own residence as more visitors to the street and hospital workers search for available parking, which is reduced by the additional crossover.

Suggestion: Could the plans be altered to allow for both properties to access the same existing crossover as many units in Swan Hill currently do?

Adjoining structures:

\* The existing garage at 9 Gummow Street is built on the boundary and is a shared boundary with 11 Gummow Street. This existing structure forms a pool fencing barrier to our swimming pool (which we have just recently had certified with Council). Should this structure be removed it would need to be replaced with fencing which is compliant to swimming pools as per Council advice. Consideration of height, placement of railings, etc will need to be considered to ensure our swimming pool remains compliant and safe for all users and provides for the privacy of those bathing.

How am I affected?

I am concerned that our barrier, which has been certified as being compliant, will be removed and replaced by another structure. I do not wish to have to apply for another pool compliance check due to the cost and inconvenience. I am concerned that the replaced structure will not provide the same level of privacy for private bathing in the swimming pool.

Set Back:

\* 11 Gummow Street was purchased as our retirement house, where we could enjoy the amenity of the street. We, and family have enjoyed sitting on the front verandah to watch the sunset and watch life pass by. This extreme change to the setback now obscures much of the street view we will have from our verandah. Does this newly created setback now allow everyone to extend their properties closer to the street?

How am I affected?

I will no longer have the view up the street from my verandah as I envisaged to enjoy in my retirement.

Character of Gummow Street:

\* Traditionally Gummow Street has been known for its older buildings. Developers are changing the



character that Gummow Street has been renowned for by the creation of units, which I understand is preferred by Council. Residents of Gummow Street often choose this location due to its historic buildings, spacious blocks and lack of modern looking multi-housing. While I appreciate developers wishing to develop properties for financial gain, the inclusion of more multi-dwelling residences detracts from the nature of the street.

How does this affect me?

I feel that newer constructions take away from the traditional feel of Gummow Street. In time, if this continues, we will have a street of multi-housing options and the true nature of Gummow Street will be lost.

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

**Signed:**

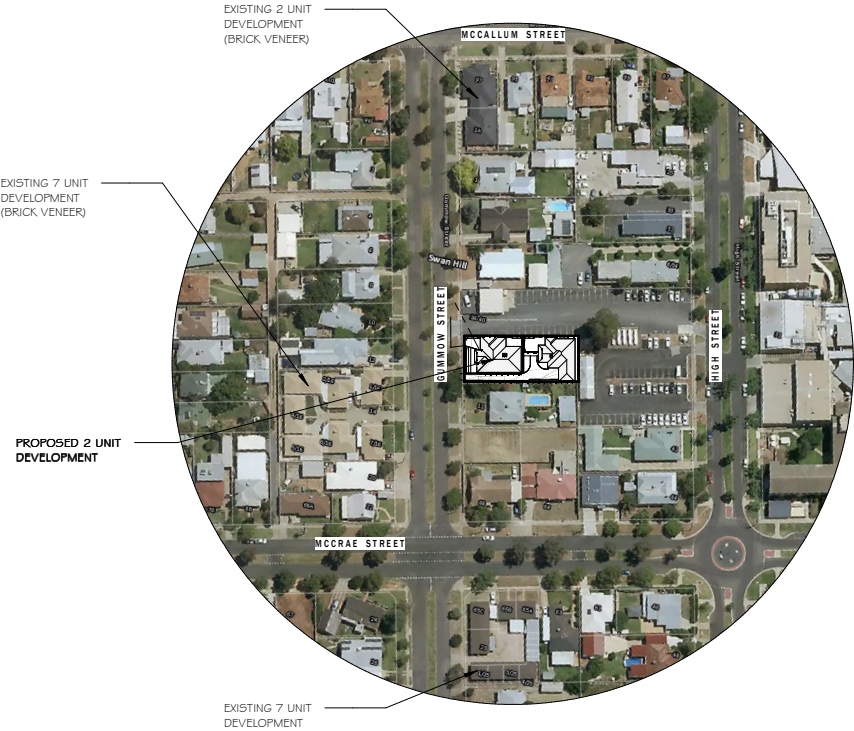
**Date: 30/09/2024**

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.

SHEET LIST	
SHEET No.	SHEET NAME
1 OF 21	LOCALITY PLAN
2 OF 21	NEIGHBOURHOOD ANALYSIS PLAN
3 OF 21	EXISTING SITE PLAN
4 OF 21	DEMOLITION SITE PLAN
5 OF 21	SUBDIVISION PLAN
6 OF 21	PROPOSED SITE PLAN
7 OF 21	LANDSCAPE PLAN
8 OF 21	PRIVATE OPEN SPACE PLAN
9 OF 21	SITE COVERAGE PLAN
10 OF 21	PERMEABILITY PLAN
11 OF 21	GARDEN AREA PLAN
12 OF 21	OVERSHADOWING 10AM
13 OF 21	OVERSHADOWING 12 NOON
14 OF 21	OVERSHADOWING 3PM
15 OF 21	FLOOR PLAN (UNIT 1)
16 OF 21	ELEVATIONS (UNIT 1)
17 OF 21	ELEVATIONS (UNIT 1)
18 OF 21	FLOOR PLAN (UNIT 2)
19 OF 21	ELEVATIONS (UNIT 2)
20 OF 21	ELEVATIONS (UNIT 2)
21 OF 21	3D PERSPECTIVES



**LOCALITY PLAN**

1 : 2000

TOWN PLANNING ISSUE (NOT FOR CONSTRUCTION)

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CONTRACT No.

DATED ON

BY OWNER

BY BUILDER

BY WITNESS

PROJECT: PROPOSED 2 UNIT DEVELOPMENT

CLIENT:

LOCATION: 9 GUMMOW STREET  
SWAN HILL VIC 3585

REGISTRATION: BRENT McKNIGHT: DP-AD 19055

DESIGN: BM

DRAWN: SM

REVISION

DESCRIPTION

DATE

DATE: 05/07/2024

TITLE: LOCALITY PLAN

SCALE: 1 : 2000 (A3 SHEET)

SHEET No. 1 OF 21

NORTH

JOB No: 23-5147

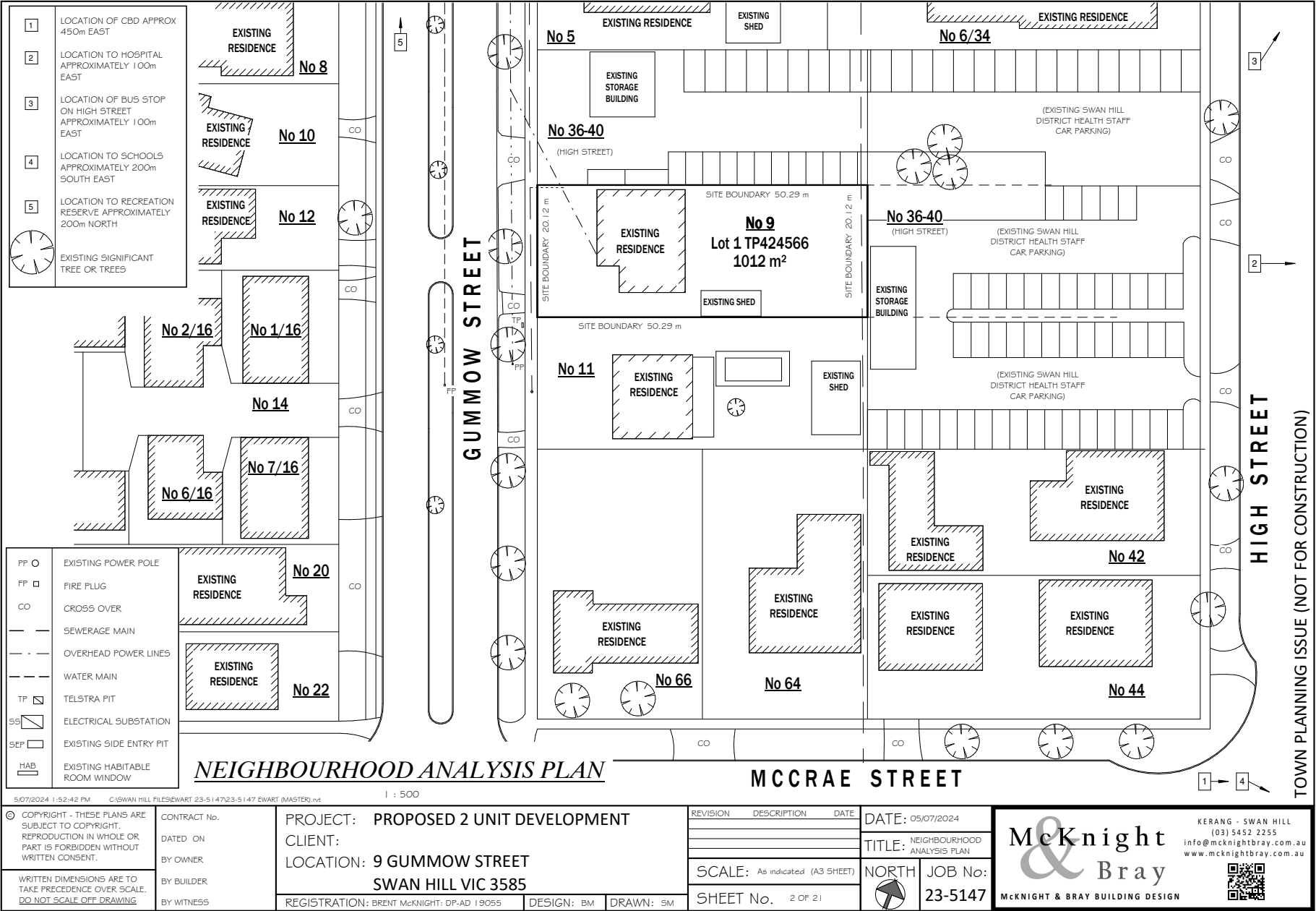
McKnight & Bray

McKNIGHT & BRAY BUILDING DESIGN

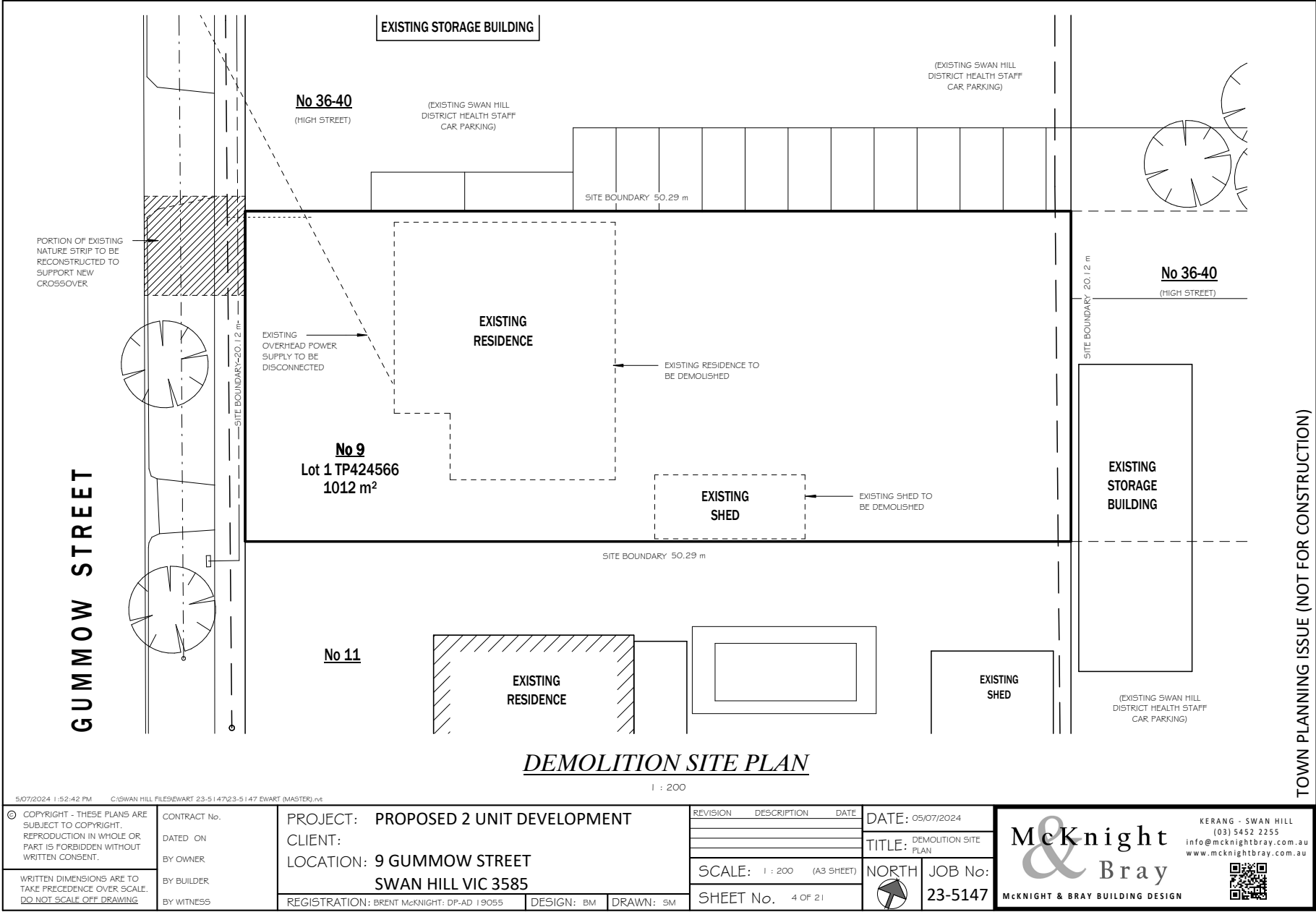
KERANG - SWAN HILL  
(03) 5452 2255  
info@mcknightbray.com.au  
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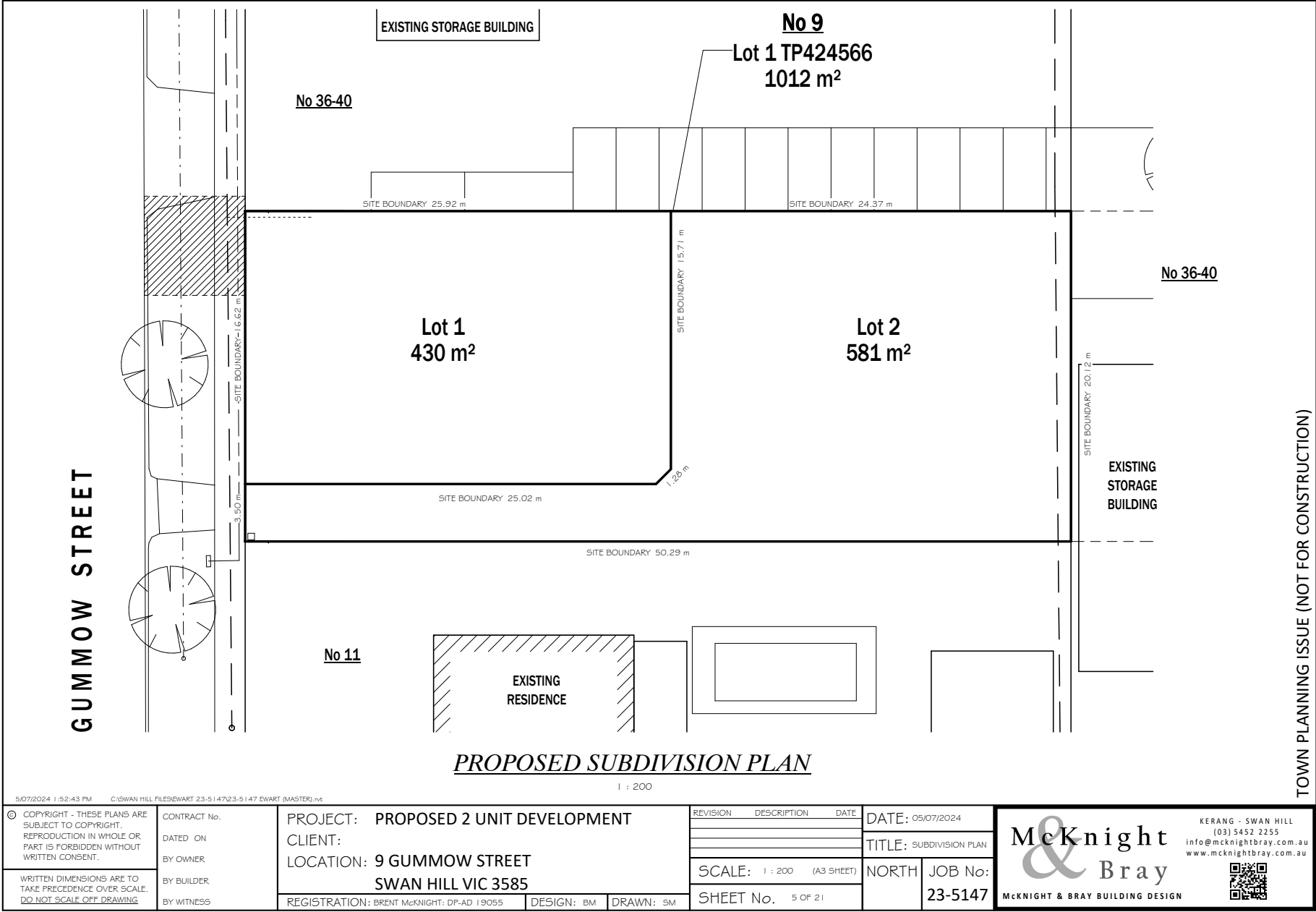
Page: 104 | 189

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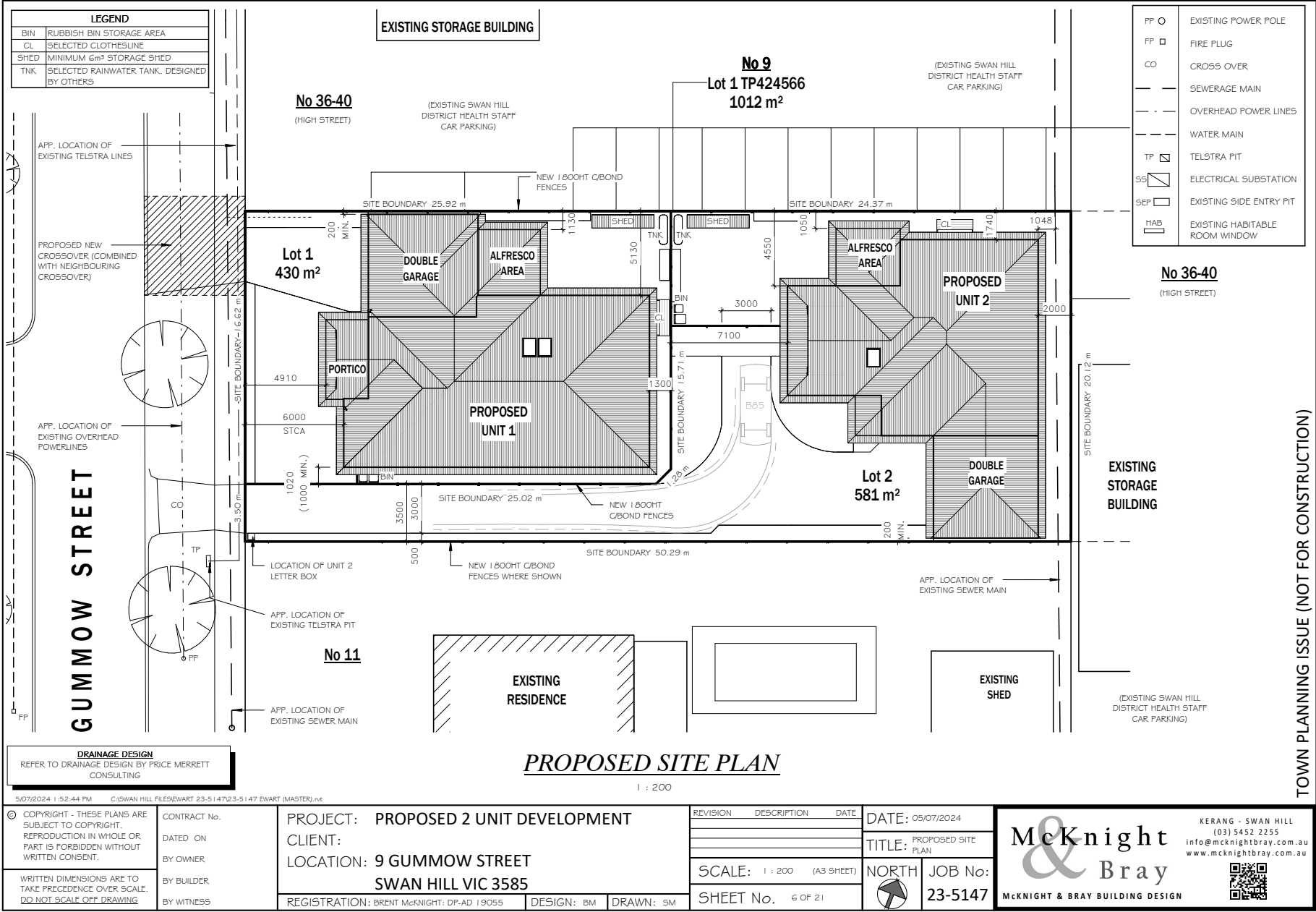




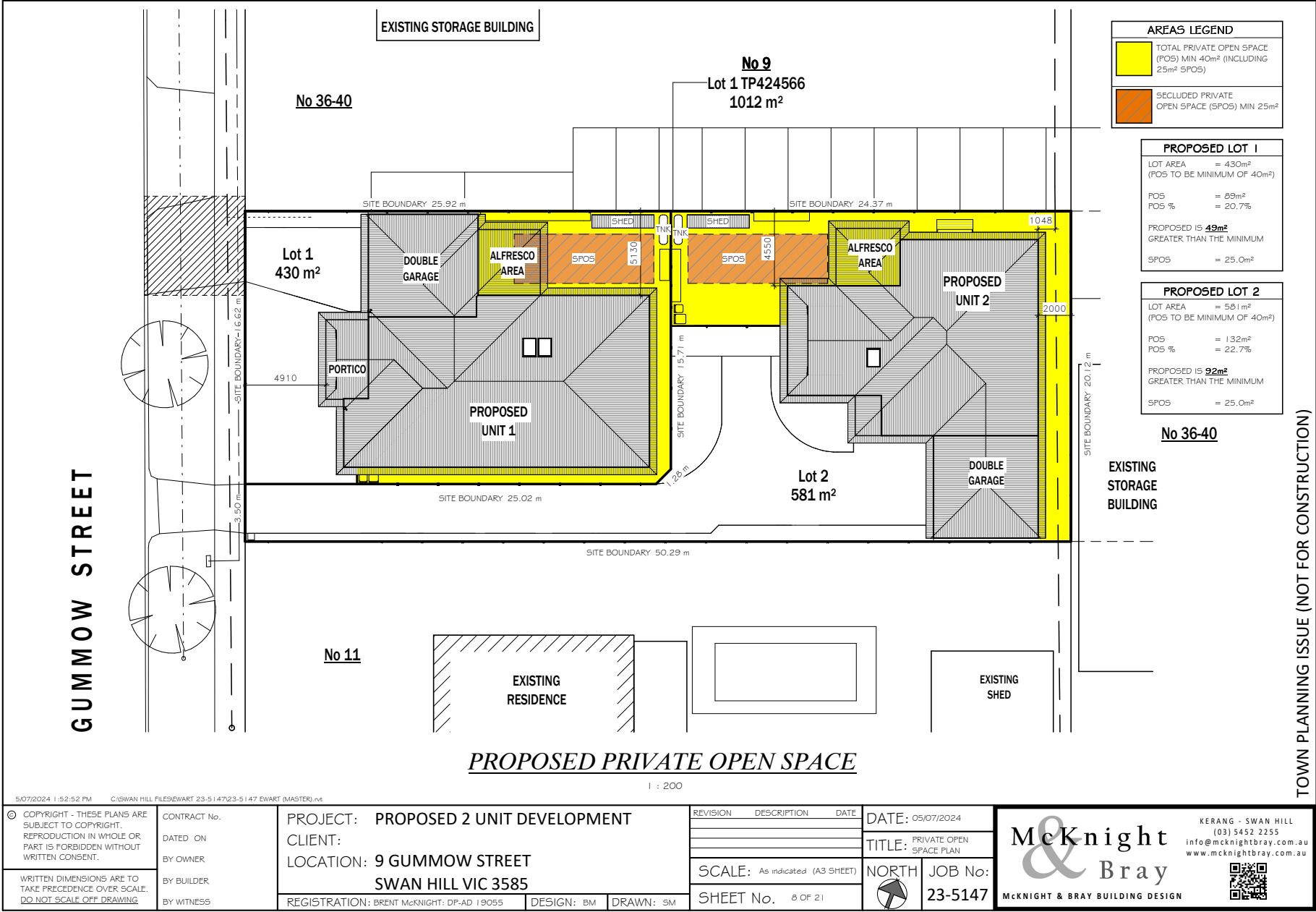


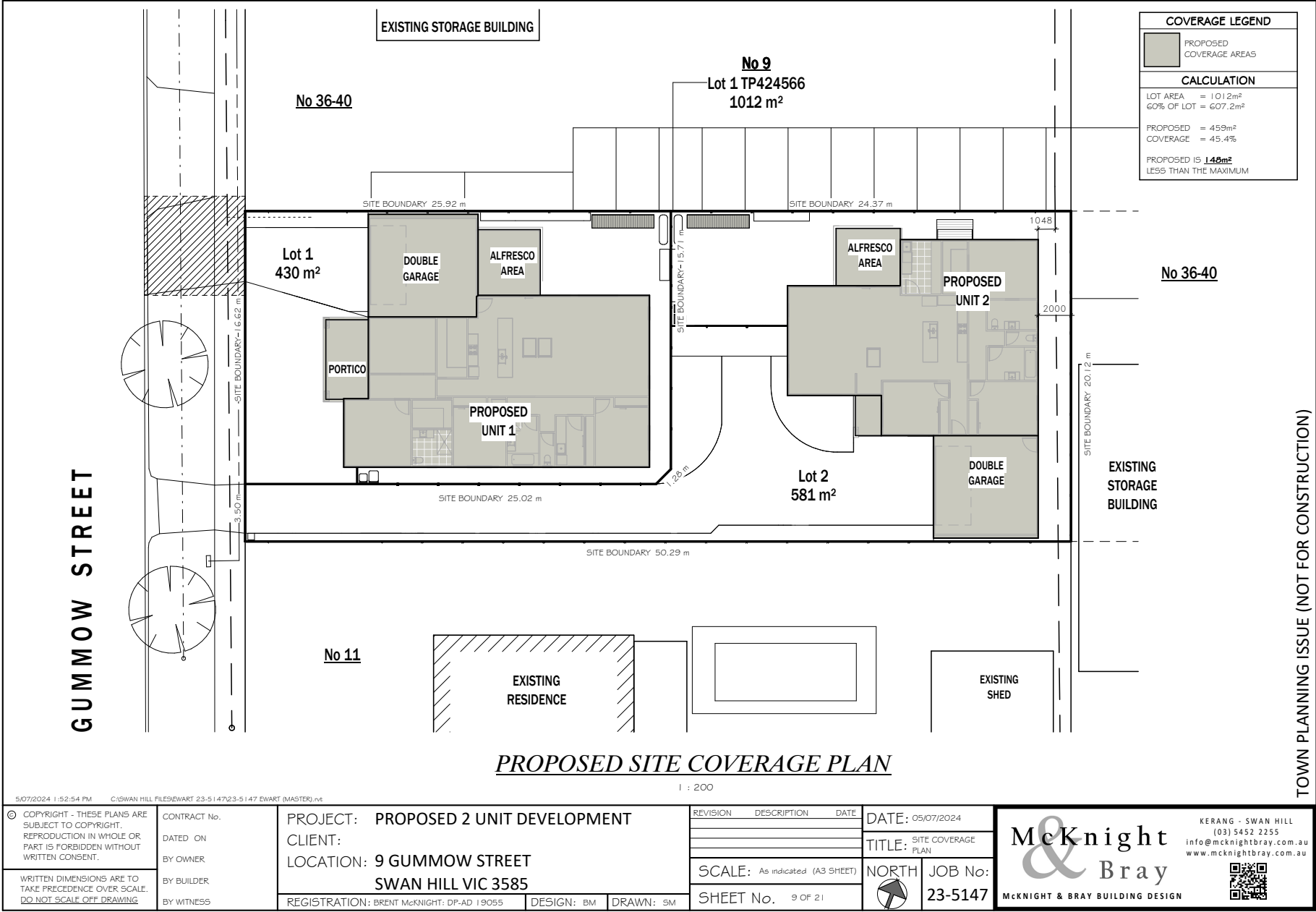


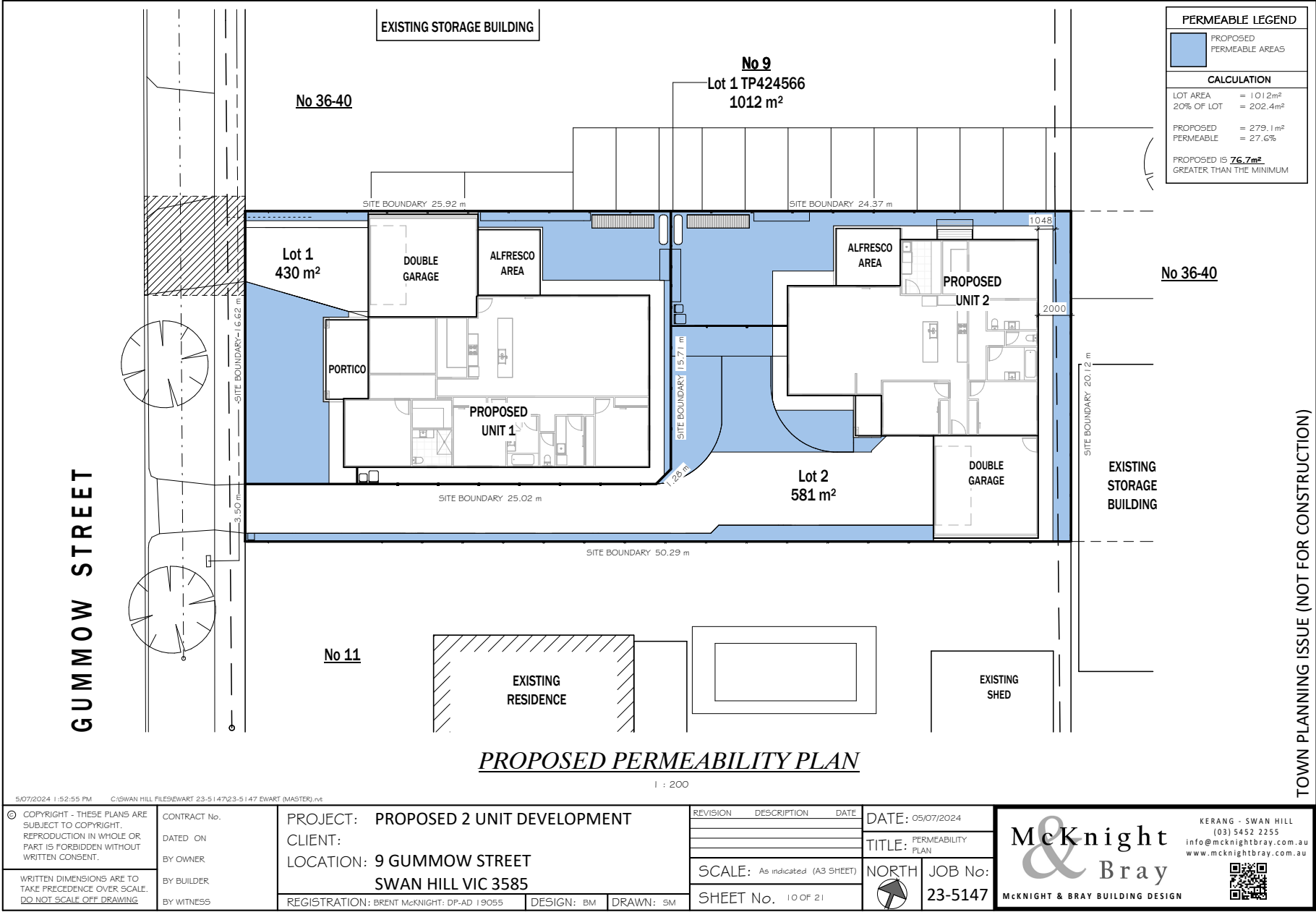


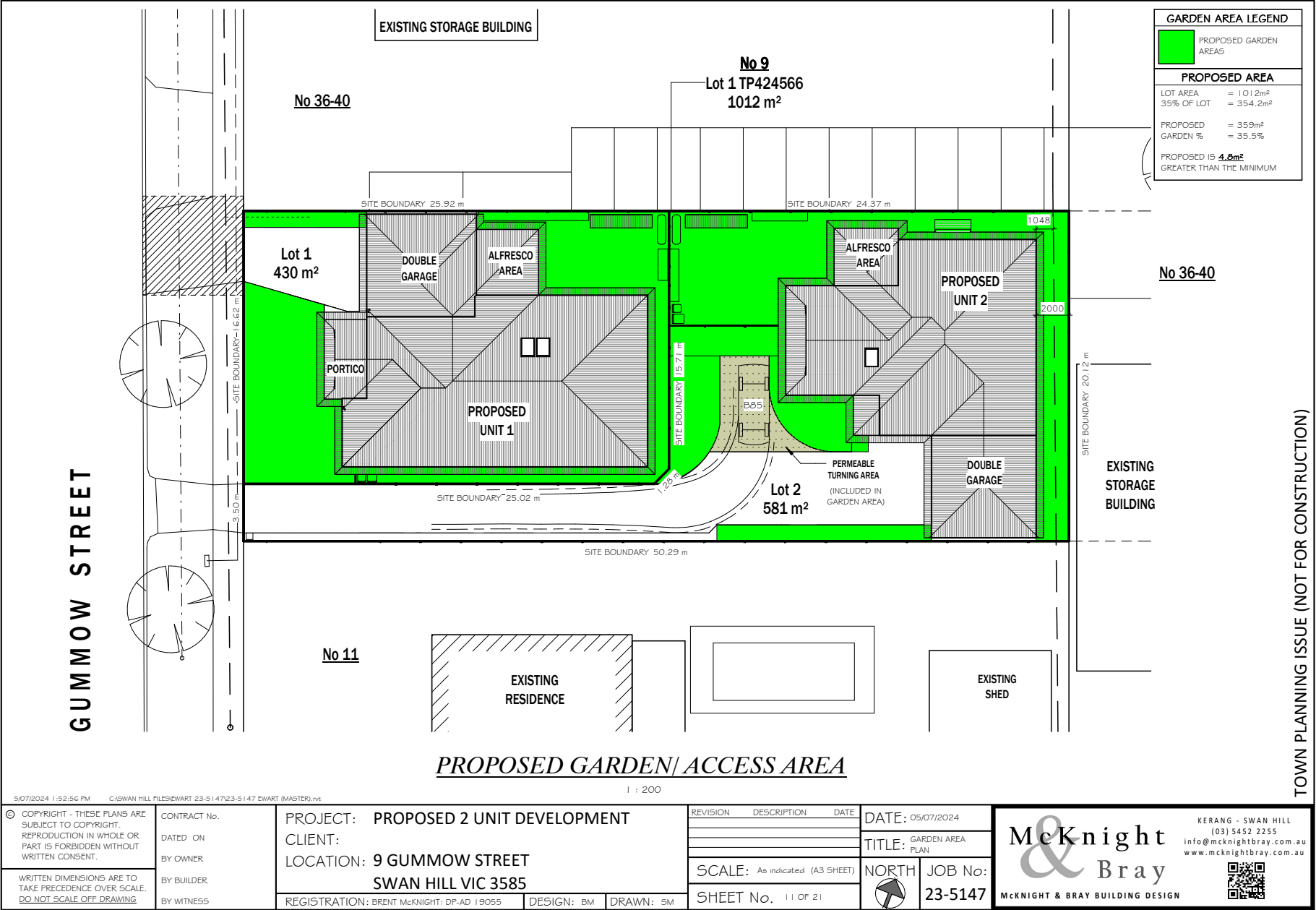


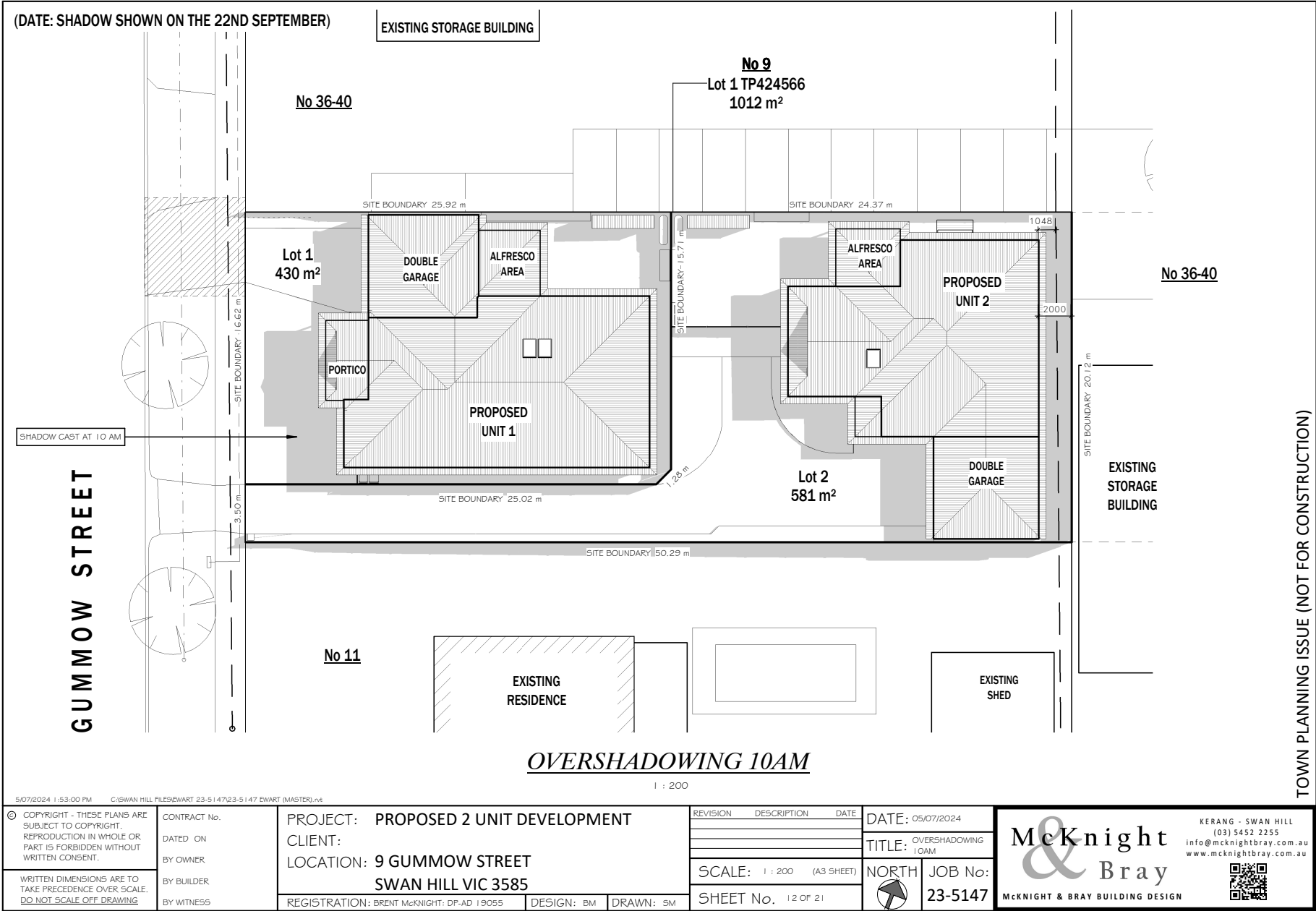


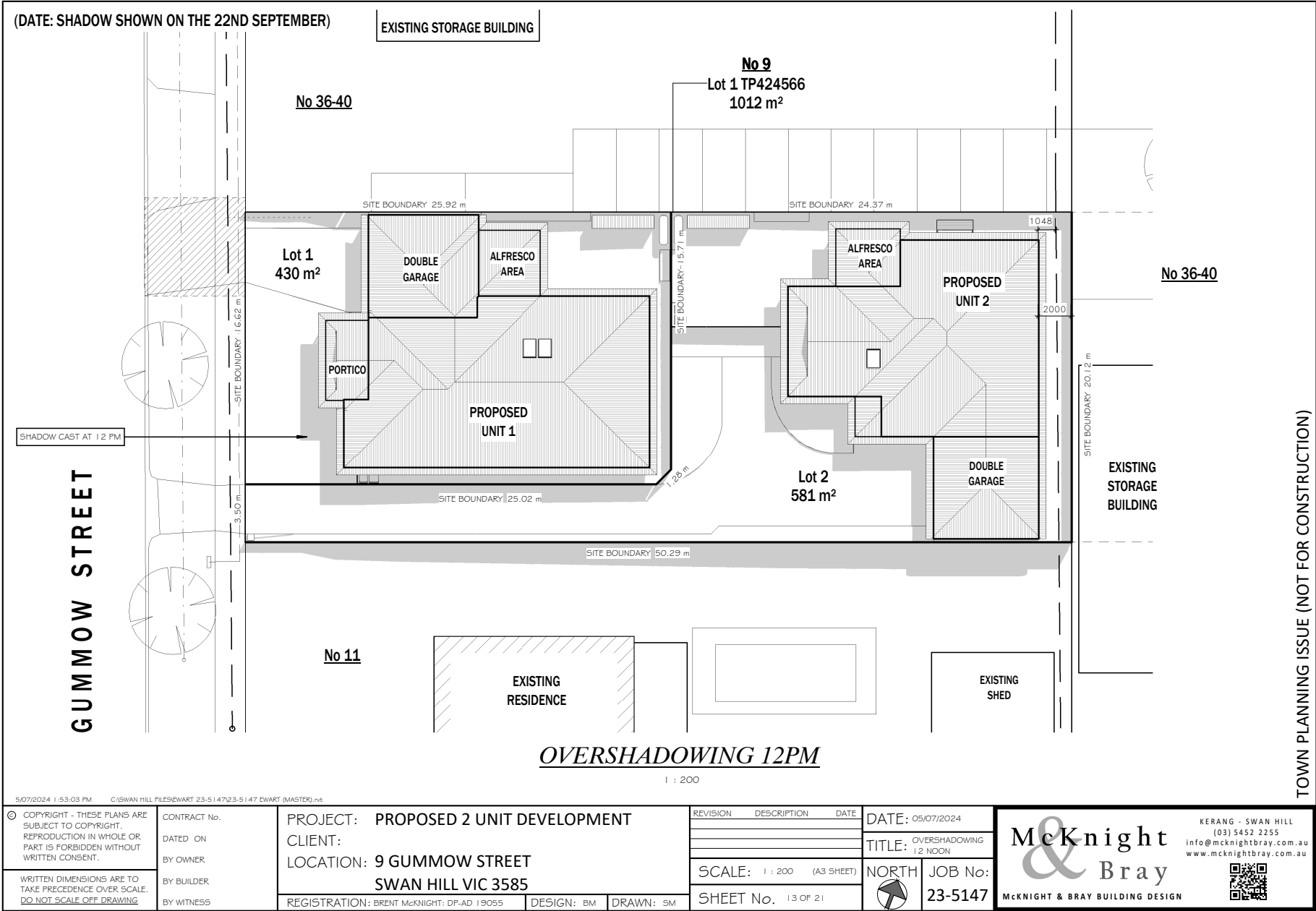




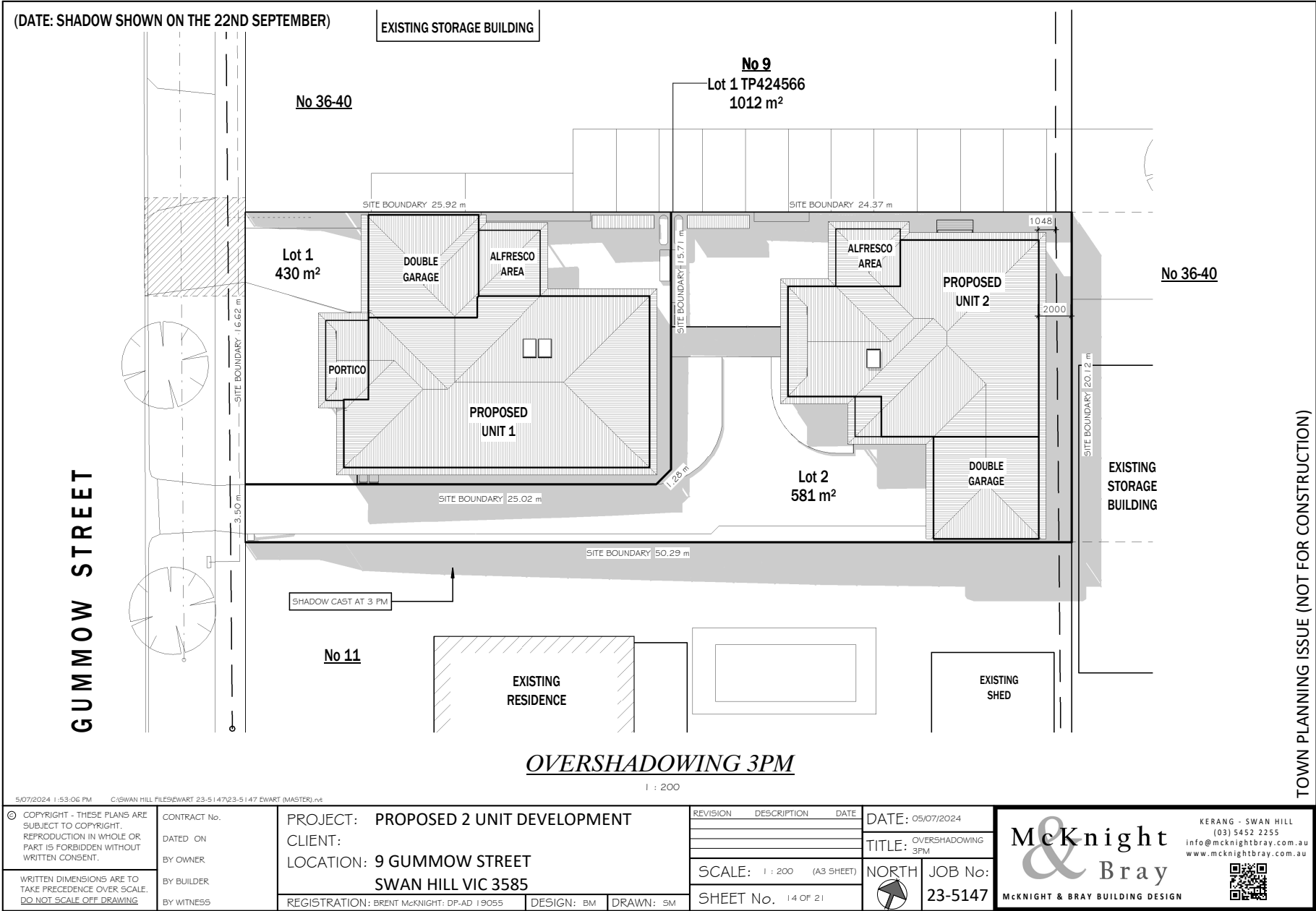


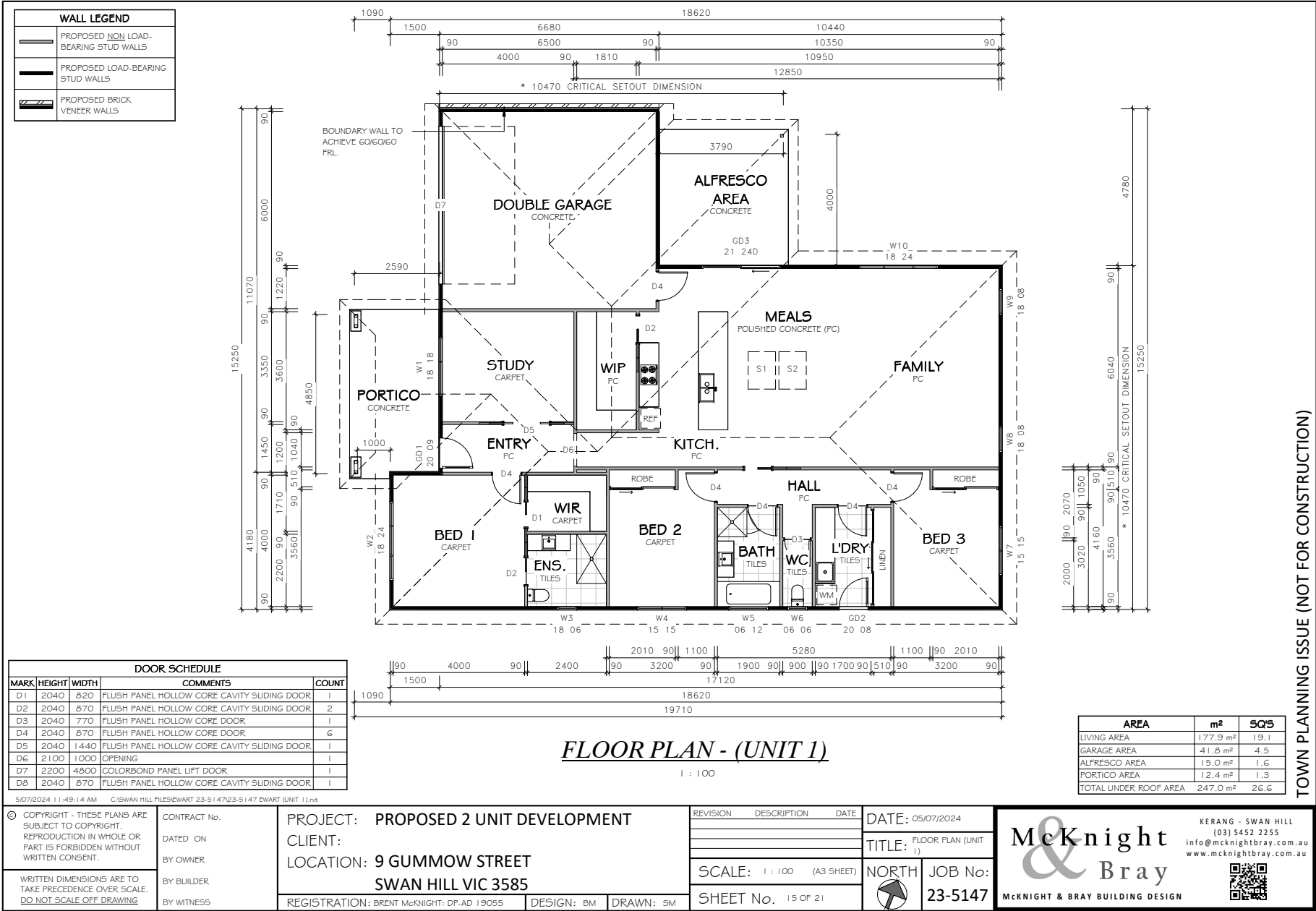










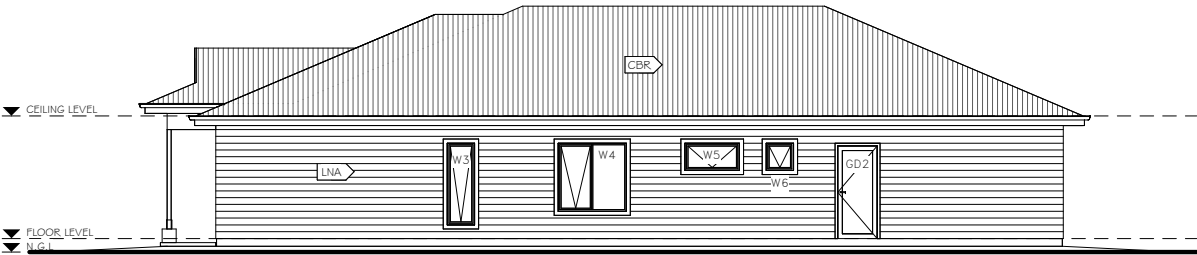


LEGEND	
CBR	CUSTOM ORB ROOFING WITH SELECTED COLORBOND FINISH
LNA	JAMES HARDIES SCYON LINEA WEATHERBOARD WALL CLADDING INSTALLED TO MANUFACTURER'S SPECIFICATIONS



**WEST ELEVATION**

1 : 100



**SOUTH ELEVATION**

1 : 100

TOWN PLANNING ISSUE (NOT FOR CONSTRUCTION)


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COPYRIGHT - THESE PLANS ARE SUBJECT TO COPYRIGHT. REPRODUCTION IN WHOLE OR PART IS FORBIDDEN WITHOUT WRITTEN CONSENT.	CONTRACT No.	PROJECT: PROPOSED 2 UNIT DEVELOPMENT CLIENT: LOCATION: 9 GUMMOW STREET SWAN HILL VIC 3585			REVISION	DESCRIPTION	DATE	DATE: 05/07/2024		
	DATED ON								TITLE: ELEVATIONS (UNIT 1)	
	BY OWNER								NORTH JOB No:	
	BY BUILDER								23-5147	
WRITTEN DIMENSIONS ARE TO TAKE PRECEDENCE OVER SCALE. DO NOT SCALE OFF DRAWING	BY WITNESS	REGISTRATION: BRENT MCKNIGHT: DP-AD 19055		DESIGN: BM	DRAWN: SM	SHEET No. 16 OF 21				

McKnight & Bray

MCKNIGHT & BRAY BUILDING DESIGN

KERANG - SWAN HILL  
(03) 5452 2255  
info@mcknightbray.com.au  
www.mcknightbray.com.au



Architectural elevation drawing of the front facade of a building. The drawing shows a gabled roof with a 23.0° pitch. The facade features three windows labeled W7, W8, and W9, and a door labeled LNA. The roof is labeled CBR. The drawing includes vertical dimensions: 2700 from the floor level to the ceiling level, and 300 MIN. from the floor level to the ground level. The drawing is labeled "ELEVATION" and "FRONT".

1 : 100

WINDOW & GLAZED DOOR SCHEDULE						
MARK	CODE	HEIGHT	WIDTH	SHILL HEIGHT	HEAD HEIGHT	TYPE COMMENTS LOCATION
W4	15 15	1500	1500	600	2100	ALUMINIUM AWNING WINDOW BED 2
W5	06 12	600	1200	1500	2100	ALUMINIUM AWNING WINDOW BATH
W6	06 06	600	600	1500	2100	ALUMINIUM AWNING WINDOW WC
W7	15 15	1500	1500	600	2100	ALUMINIUM AWNING WINDOW BED 3
W8	18 08	1800	800	300	2100	ALUMINIUM AWNING WINDOW FAMILY
W9	18 08	1800	800	300	2100	ALUMINIUM AWNING WINDOW FAMILY
W10	18 24	1800	2400	300	2100	ALUMINIUM AWNING WINDOW FAMILY

450 EAVES  
(TYPICALLY)

S2 S1 CBR

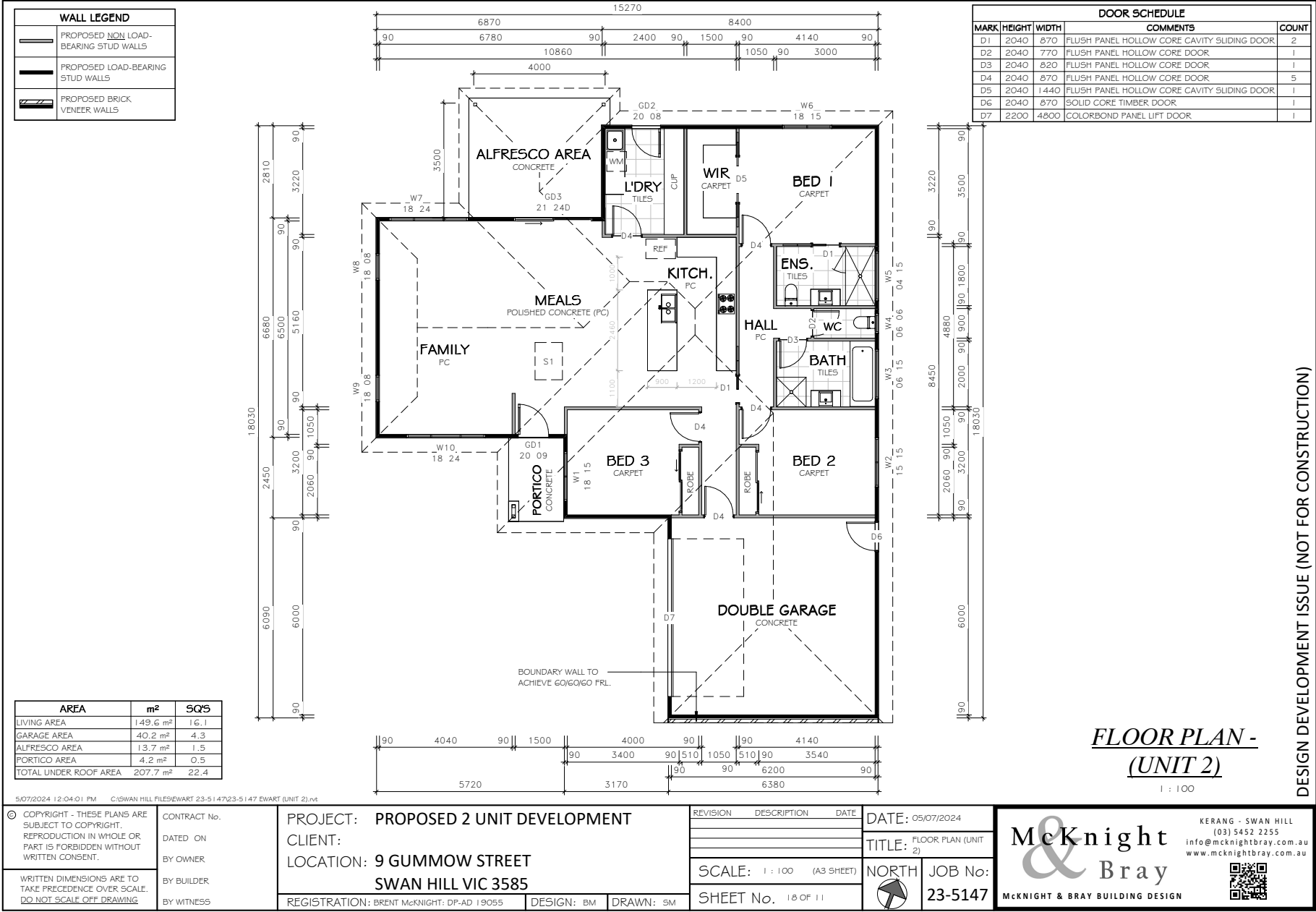
CEILING LEVEL

W10 GD3 BWK

FLOOR LEVEL  
N.G.

1 : 100

### ATT: 2.7.2



### ATT: 2.7.2

1 : 100

WINDOW & GLAZED DOOR SCHEDULE							
MARK	CODE	HEIGHT	WIDTH	SILL HEIGHT	HEAD HEIGHT	TYPE COMMENTS	LOCATION
W5	04 15	400	1500	1800	2200	ALUMINIUM AWNING WINDOW	ENS.
W6	18 15	1800	1500	300	2100	ALUMINIUM AWNING WINDOW	BED 1
W7	18 24	1800	2400	300	2100	ALUMINIUM AWNING WINDOW	FAMILY
W8	18 08	1800	800	300	2100	ALUMINIUM AWNING WINDOW	FAMILY
W9	18 08	1800	800	300	2100	ALUMINIUM AWNING WINDOW	FAMILY
W10	18 24	1800	2400	300	2100	ALUMINIUM AWNING WINDOW	FAMILY

450 EAVES  
(TYPICALLY)

CEILING LEVEL

CBR

W6

LNA

GD2

GD3

W7


FLOOR LEVEL  
N.G.L.

1 : 100


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[info@mcknightbray.com.au](mailto:info@mcknightbray.com.au)  
[www.mcknightbray.com.au](http://www.mcknightbray.com.au)






Architectural drawings of a proposed 2-unit development. The drawings include a front elevation showing a house with a gabled roof and a covered entrance, a side elevation showing a long, low profile with a fence, a rear elevation showing a similar long profile, and a perspective view of the house and its surroundings. The drawings are rendered in a simple line-art style with some shading to indicate depth.

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	DATED ON		CLIENT:			TITLE: 3D PERSPECTIVES	
WRITTEN DIMENSIONS ARE TO TAKE PRECEDENCE OVER SCALE. DO NOT SCALE OFF DRAWING	BY OWNER	LOCATION: 9 GUMMOW STREET SWAN HILL VIC 3585	SCALE: (A3 SHEET)		NORTH	JOB No:	
	BY BUILDER					23-5147	
BY WITNESS	REGISTRATION: BRENT McKNIGHT: DP-AD 19055	DESIGN: BM	DRAWN: SM	SHEET No. 21 OF 21			

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TOWN PLANNING ISSUE (NOT FOR CONSTRUCTION)



## 2.8 Amendment of Section 173 Agreement - 52 Little Murray Weir

**Directorate:** Development and Planning  
**File Number:** 386065  
**Purpose:** For Discussion

### EXECUTIVE SUMMARY

<b>Application Number:</b>	N/A
<b>Proposal:</b>	Amend a Section 173 Agreement
<b>Applicant's Name:</b>	Steve and Judith Hamann
<b>Address:</b>	52 Little Murray Weir Road, Castle Donnington
<b>Land Size:</b>	31.11 ha
<b>Zoning:</b>	Farming Zone (Schedule)
<b>Overlays:</b>	<ul style="list-style-type: none"><li>• Environmental Significance Overlay (Schedule 1)</li><li>• Land Subject to Inundation Overlay</li><li>• Specific Controls Overlay (Schedule 1)</li></ul>

### Declarations of Interest:

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

### Summary:

The applicant sought amendment to the Section 173 Agreement registered on the title of the subject land to remove the provision that provides that no further dwelling can be built on Lot 2. The Planning & Environment Act 1987 allows an application to be made to amend or end a Section 173 agreement, and the process requires Council to either provide “in principle” support or to not provide “in principle” support to amend or end the Section 173 Agreement.

Council granted “in principle” support to amend the agreement pursuant to Section 178A of the Planning and Environment Act 1987 on 18 June 2024 by making the following decision:

*That Council provides “in-principle” support to amend the Section 173 Agreement for the land known as Lot 2, PS726414, 52 Little Murray Weir Road, Castle Donnington in accordance with Section 178A of the Planning and Environment Act 1987.*

This was the first step in processing such an application. As the consent was given, the next step was to give notice to all other parties to the agreement, following the standard planning advertising process giving them 14 days to comment which was carried out by sending the notice to the owner of the adjoining land to the east who has the same agreement registered on the title. As a result, the application for the amendment of the agreement was advertised to the adjoining landowner who is party to the Section 173 Agreement on the title. An objection was received from the adjoining landowner.

## **Discussion**

The subject site is located on the south side of Little Murray Weir Road. The site is triangular, having an area of 31.11 hectares. It is vacant in terms of buildings and works except for a small agricultural building along the road frontage to the north. The site is flat and is used for agriculture. The surrounding area displays agricultural character having larger lots being used for farming. Lots further south and south-west are smaller in size comprising dwellings with associated outbuildings. The immediate lot to the east (objector’s property) has an area of approximately 7.02 hectares and contains an existing dwelling with associated outbuilding and agricultural land. This lot was created as part of the subdivision that resulted in a Section 173 Agreement on both lots.

The applicant is seeking to amend the Section 173 Agreement registered on the title of the subject land by removing the following clause from the Agreement which reads as:

*“A dwelling or any other Building to be used for Accommodation purposes must not be constructed on the Lot 2 Land and any Building on Lot 2 Land must not be used for the purposes of a Dwelling or Accommodation.”*

The owner entered into the agreement as a result of a planning permit condition for a two lot boundary realignment (dwelling excision) in the Farming Zone and Land Subject to Inundation Overlay. The permit was issued on 26 November 2015 and included the following condition in relation to the Section 173 Agreement:

*Prior to the issue of a Statement of Compliance for the subdivision, the owner of the lots must enter into an agreement with the Responsible Authority in accordance with Section 173 of the Planning and Environment Act 1987. The agreement must provide for:*

- a) No dwelling or accommodation may be constructed on the vacant agricultural lot being Lot 2PS 726414.*

- b) *The lot size of the agricultural lot, Lot 2 PS7264 141, may not be reduced through any future subdivision.*
- c) *The owner of Lot 1 PS 726414 acknowledges that the dwelling is located within an agricultural area and may be detrimentally affected by agricultural practices on adjoining and nearby land.*

The Section 173 Agreement was registered on the title in September 2016 and the main purpose for entering into the agreement was to avoid the fragmentation of the agricultural land and to avoid the proliferation of the dwellings in the area.

The planning permit for the subdivision was supported because of the 173 Agreement provision in relation to no further dwellings to protect the agricultural land. One of the lots that were involved in the subdivision had a dwelling and the other lot was vacant and was smaller than the minimum lot size requirement to have an as of right dwelling (without a use permit).

Prior to the approval of subdivision in 2015, the area of the lot comprising the dwelling was 26.04 hectares, and the area of the vacant lot was 12.08 hectares (below the minimum lot size requirement for as of right dwelling). The subdivision of the land resulted in area of the dwelling lot being 7.005 hectares and the area of the vacant agricultural lot being 31.11 hectares. The subdivision was approved because the proposal would result in the creation of a large agricultural parcel of land to support agriculture. Removing the no further dwelling requirement from the Section 173 Agreement will result in an “as of right” (no permit required for the use) dwelling entitlement on the land which the land did not have prior to the issuing of the subdivision permit in 2015. Therefore, it was appropriate to restrict the construction of a dwelling on Lot 2 given the size of the lot before the subdivision was 12.08 hectares which did not permit an as of right dwelling.

As discussed above, the subdivision was only supported to maintain the status quo for the land and to not have more dwelling entitlements than what had existed. The owner agreed and entered into the Section 173 Agreement with the Council. Since this time the minimum lot size for as of right dwelling in the Farming Zone for this land is 20 hectares meaning that a planning permit will not be required to use the land for a dwelling if the area of the land is greater than 20 hectares.

Planning policies seek to support and enhance agricultural pursuits by ensuring future development, particularly residential development, does not result in the permanent removal of productive agricultural land or inhibit the continuation and development of existing agricultural uses.

The proposed amendment to the agreement will result in a dwelling on the land which is not in keeping with the purposes of the zone and is inconsistent with the objectives of the planning policies. The information submitted with the application does not

reasonably demonstrate the need for a dwelling on the site to operate an agricultural use.

The proposal may limit the expansion and operation of adjoining and nearby agricultural uses and it has not been justified that a dwelling is reasonably required to support and enhance agricultural production. This was the whole intent of approving the dwelling excision by including a Section 173 Agreement on the land as part of the subdivision in order to avoid the construction of a dwelling on the lot.

It is also important to mention that since the grant of the planning permit in 2015, Council has adopted the Rural Land Use Strategy 2016 (the strategy) which is now referenced at Clause 02.03-4 (Natural Resource Management). The strategy responds to current and emerging rural land use issues and opportunities in the municipality and identifies that there is a legacy of small rural lots in irrigated areas that have become popular for rural residential land use which have considerable implications for agricultural production.

The strategy also states that dwellings in the rural areas that are not associated with agricultural activities can potentially undermine the viability of the rural sector. The policy seeks to discourage small lot subdivision in rural areas that undermines the productive agricultural base of the Rural City and to discourage land uses such as dwellings in the Farming Zone that are not directly related to agriculture or that have an adverse impact on agricultural activities. The amendment of the agreement will not be consistent with this policy and will result in further proliferation of dwellings in the area thereby resulting in further fragmentation of agricultural land.

Following is the assessment of the proposal against the matters to be considered by the Responsible Authority to amend the agreement pursuant to Section 178B of the Planning and Environment Act 1987:

- The purpose of the agreement.

As discussed above, the agreement was registered on the title in 2016 between the owner of the land and the Responsible Authority. The agreement was entered to avoid further subdivision and construction of dwelling on Lot 2 (subject site) and making the future owners aware of the agricultural practices in the area in relation to the amenity expectation. The agreement resulted in the protection of agricultural land by avoiding the construction of future dwelling on Lot 2 thereby meeting the purpose of the Farming Zone and relevant policies.

- The purpose of the amendment.

The amendment to the agreement has been sought to allow the construction of a dwelling on Lot 2 which the current agreement does not allow.

- Whether any change in circumstances necessitates the amendment.

Not applicable.

- Whether the amendment would disadvantage any person, whether or not a party to the agreement; and

An objection to the amendment to the agreement was received from the adjoining owner to the east who is party to the agreement. The objector has stated that the objector purchased Lot 1 on the understanding that Lot 2 could not be used or developed for the purpose of a dwelling or accommodation.

- The reasons why the responsible authority entered into the agreement; and

The main reason for entering into the agreement was to protect the agricultural land and to avoid the fragmentation of the land by not allowing a dwelling on the land. This was to ensure that the land will be used for agriculture.

- If the amendment is to remove land from the application of the agreement, whether the land is subject to any further liability under the agreement; and

Not applicable.

- Any relevant permit or other requirements the land is subject to under the Subdivision Act 1988 ; and

Not applicable.

- Any other prescribed matter.

Not applicable.

As discussed above, the subdivision was approved because the proposal would result in the creation of a large agricultural parcel of land to support agriculture. Removing the “no further dwelling requirement” from the Section 173 Agreement will result in an “as of right” (no permit required) dwelling entitlement on the land which the land did not have prior to the issuing of the subdivision permit in 2015.

### **Consultation:**

Pursuant to Section 178C of the Planning and Environment Act 1987, the application to amend the Section 173 Agreement was advertised to the adjoining landowner at 108 Little Murray Weir Road, Castle Donnington who is party to the same Section 173

Agreement. The adjoining landowner has objected to the amendment to the Section 173 Agreement on the following grounds:

- Swan Hill Planning Scheme clearly does not support dwelling, or accommodation uses in agricultural areas;
- The restriction in relation to the no further dwelling construction under the Section 173 Agreement AN124482C continues to reflect the strategic objectives of the planning scheme;
- Amendment of the Section 173 Agreement has potential to establish a precedent that could have major impacts on agricultural land value and its future productive viability;

**Financial Implications:**

All legal costs are borne by the applicant.

**Social Implications:**

N/A

**Economic Implications:**

N/A

**Environmental Implications:**

Any impacts will be assessed as part of the application process.

**Risk Management Implications:**

Council is following a legislative process, and this minimises risk.

Parties to this planning matter have the right of review of this decision at VCAT under the Planning and Environment Act 1987.

**Conclusion:**

Based on the above, it is recommended that Council should not support the amendment of the Section 173 Agreement due to the following reasons:

- Original subdivision was approved on the basis of the owner entering into the Section 173 Agreement with the Council;

- Council adopted Rural Land use Strategy since the issue of the permit which identifies that there is a legacy of small rural lots in irrigated areas that have become popular for rural residential land use and will have considerable implications for agricultural production;
- Amendment to the Section 173 Agreement may result in proliferation of dwellings within productive agricultural area.
- An objection has been received from the owner of the land who is party to the agreement raising concerns in relation to the impacts on agriculture by amending the Section 173 Agreement.

**Option:**

1. That Council issues Notice of Decision to Refuse to amend the Section 173 Agreement for the land known as Lot 2, PS726414, 52 Little Murray Weir Road, Castle Donnington.
2. That Council issues Notice of Decision to amend the Section 173 Agreement for the land known as Lot 2, PS726414, 52 Little Murray Weir Road, Castle Donnington.

- Attachments:**
1. Application Form\_\_ Redacted 1 [2.8.1 - 2 pages]
  2. Title- Search Redacted 2 [2.8.2 - 6 pages]
  3. Section 173 Agreement Redacted 3 [2.8.3 - 17 pages]
  4. Objection letter Redacted\_\_4 [2.8.4 - 3 pages]

**Recommendation/s**

**That Council issues Notice of Decision to Refuse to amend the Section 173 Agreement for the land known as Lot 2, PS726414, 52 Little Murray Weir Road, Castle Donnington to remove the restriction that does not allow any further dwellings or accommodation to be built on the land.**

**CM 2024/217 Motion****MOVED Cr Englefield**

**That Council issues Notice of Decision to amend the Section 173 Agreement for the land known as Lot 2, PS726414, 52 Little Murray Weir Road, Castle Donnington to remove the restriction that does not allow any further dwellings or accommodation to be built on the land and advises all parties to the agreement of this decision.**

**SECONDED Cr McPhee**

**The Motion was put and CARRIED 6 / 0**





Please return this completed form to:  
 PO Box 488, Swan Hill VIC 3585 | DX 30166  
 45 Splatt Street, Swan Hill VIC 3585  
 Tel: 03 5036 2333 | Fax: 03 5036 2340  
 Email: [planning@swanhill.vic.gov.au](mailto:planning@swanhill.vic.gov.au)

## Amending or Ending a Section 173 Agreement Application Form

You are able to apply to Swan Hill Rural City Council to amend or end a Section 173 Agreement on a land title. Depending on the complexity of the Agreement, the amendment/ending proposal will be actioned by Council officers and maybe referred to Council's solicitors if required. Interested parties to the Section 173 Agreement may be notified of the proposal, as applicable.

Applicant's details	
Name:	The information contained in this document has been redacted as defined in the Privacy & Data Protection Act 2014 and is provided for the purpose of the planning process as set out in the Planning and Environment Act 1987. The information must not be used for any other purpose. By entering this Internet site you acknowledge and agree that you will only use the document for the purpose specified above and that any dissemination or distribution of this information is strictly prohibited. If you have any questions, please contact Council's Privacy Officer on 5036 2333.
Postal Address:	
Contact Phone:	
Email:	

Section 173 Agreement Detail	
Reference and Date of Section 173 Agreement:	AN124482C 22/09/2016
Planning Permit Number that required the Agreement:	2015/128
Address of Subject Land:	52 Little Murray Weir Rd.
Title details (Volume, Folio, Plan of Subdivision numbers):	Vol 9367 & 9805 Fol 315 & 804
Details of the nature of the change sought to the Section 173 Agreement	Amendment <input checked="" type="checkbox"/> End <input type="checkbox"/>

Reason for the proposed change to the Agreement
We would like to have an Agreement that allows a dwelling to be built on the property. The last agreement made was an boundary realignment to create a bigger farm on property. It was already in 2 titles. We did not want to have this agreement like this but we were assured that we could amend it later. Because of this current agreement we are unable to sell this property to enable us to move on to purchase another property. Please see attached pages.
Has written consent to the proposed change been obtained from all parties to the Agreement?
No

### Declaration

I declare that the information is true and correct; and the application.

Signature:

he information in this application is true and correct; and the application.

Date: 20/2/2024



Now that the minimum land requirement for a dwelling is 20 Hec It qualifies for that. We have a local Lady ready to purchase the property if we can amend the Agreement; she wants to retire to the farm and farm and enjoy her life.

Please Notify when email received please



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The Victorian Government acknowledges the Traditional Owners of Victoria and pays respects to their ongoing connection to their Country, History and Culture. The Victorian Government extends this respect to their Elders, past, present and emerging.

## REGISTER SEARCH STATEMENT (Title Search) Transfer of Land Act 1958

Page 1 of 2

VOLUME 11846 FOLIO 424

Security no : 124114944113A  
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### LAND DESCRIPTION

Lot 2 on Plan of Subdivision 726414Y.  
PARENT TITLES :  
Volume 09367 Folio 315      Volume 09505 Folio 804  
Created by instrument PS726414Y 06/01/2017

### REGISTERED PROPRIETOR

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### ENCUMBRANCES, CAVEATS AND NOTICES

AGREEMENT Section 173 Planning and Environment Act 1987  
AN124482C 22/09/2016

### DIAGRAM LOCATION

SEE PS726414Y FOR FURTHER DETAILS AND BOUNDARIES

### ACTIVITY IN THE LAST 125 DAYS

NUMBER		STATUS	DATE
AX653306K (E)	REMOVAL OF NOMINATION	Completed	18/01/2024
AX653317E (E)	DISCHARGE OF MORTGAGE	Registered	18/01/2024
AX653397D (E)	TRANSFER CONTROL OF ECT	Completed	18/01/2024
AX663830K (E)	TRANSFER CONTROL OF ECT	Completed	22/01/2024
AX665841T (E)	MORTGAGE	Registered	05/02/2024

-----END OF REGISTER SEARCH STATEMENT-----

Additional information: (not part of the Register Search Statement)

Street Address: 52 LITTLE MURRAY WEIR ROAD CASTLE DONNINGTON VIC 3585

### ADMINISTRATIVE NOTICES

NIL

eCT Control 17343W SUMMER LAWYERS  
Effective from 05/02/2024



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The Victorian Government acknowledges the Traditional Owners of Victoria and pays respects to their ongoing connection to their Country, History and Culture. The Victorian Government extends this respect to their Elders, past, present and emerging.

REGISTER SEARCH STATEMENT (Title Search) Transfer of  
Land Act 1958

Page 2 of 2

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DOCUMENT END



## Imaged Document Cover Sheet


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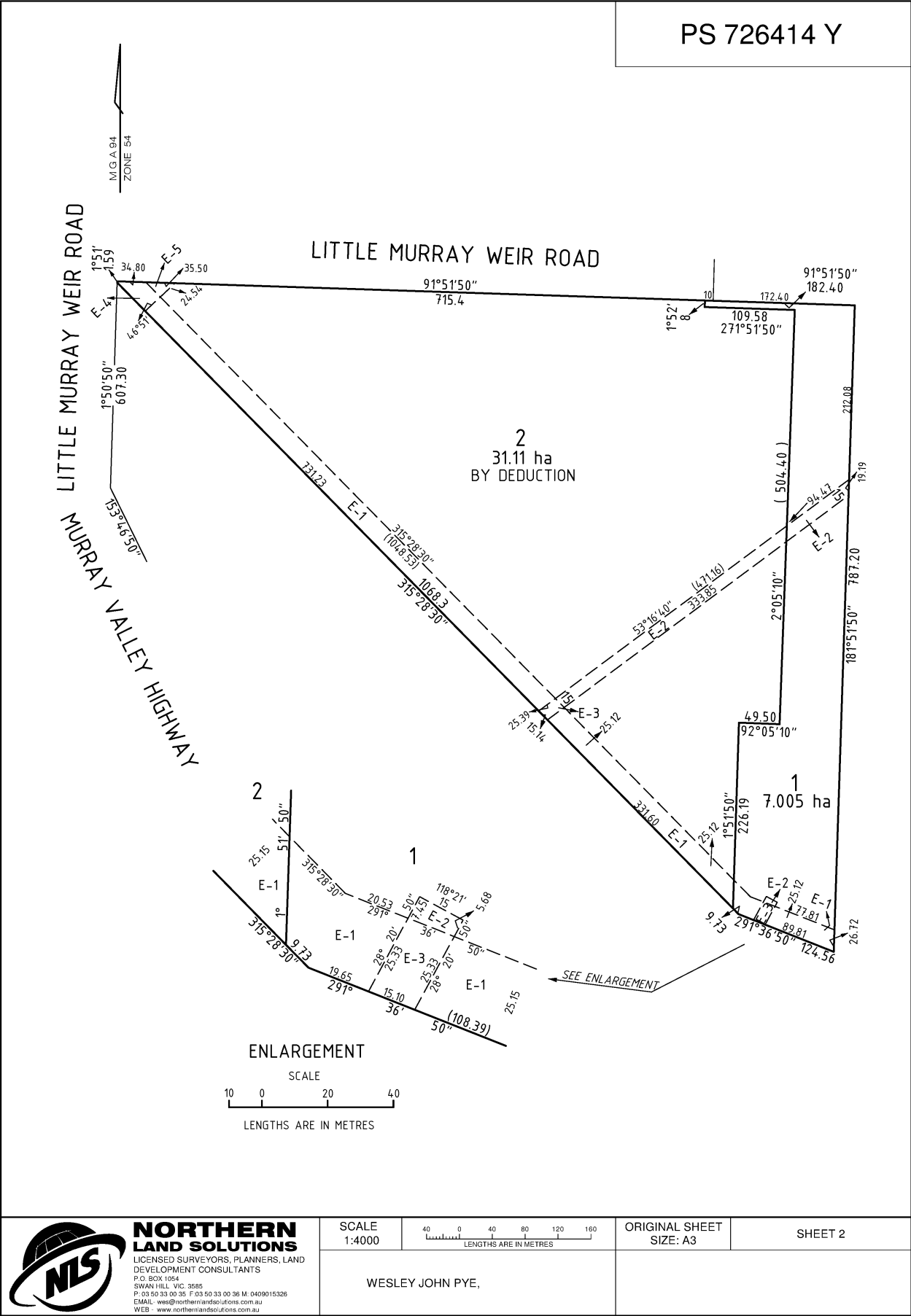
Document Type	<b>Plan</b>
Document Identification	<b>PS726414Y</b>
Number of Pages (excluding this cover sheet)	<b>3</b>
Document Assembled	<b>14/05/2024 11:58</b>

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<b>PLAN OF SUBDIVISION</b>		<b>EDITION 2</b>		<b>PS 726414 Y</b>	
<b>LOCATION OF LAND</b>  PARISH: KUNAT KUNAT TOWNSHIP: SECTION: 1 CROWN ALLOTMENT: 1A (PART) CROWN PORTION: TITLE REFERENCE: VOL. 9367 FOL. 315 & VOL. 9505 FOL. 804  LAST PLAN REFERENCE: LOT 8 LP131894 & LOT 1 LP131107 POSTAL ADDRESS: 108 LITTLE MURRAY WEIR ROAD (at time of subdivision) CASTLE DONNINGTON  MGA CO-ORDINATES: E: 736 930 ZONE: 54 (of approx centre of land in plan) N: 6 077 414 GDA 94		Council Name: Swan Hill Rural City Council  Council Reference Number: PS726414 Planning Permit Reference: 2015/128 SPEAR Reference Number: S075425A  Certification  This plan is certified under section 6 of the Subdivision Act 1988  Statement of Compliance  This is a statement of compliance issued under section 21 of the Subdivision Act 1988  Public Open Space  A requirement for public open space under section 18 of the Subdivision Act 1988 Has not been made at Certification  Digitally signed by: Coenraad Stefanus Jakobus Louw for Swan Hill Rural City Council on 21/10/2016			
<b>VESTING OF ROADS AND/OR RESERVES</b>		<b>NOTATIONS</b>			
IDENTIFIER	COUNCIL/BODY/PERSON				
<b>NOTATIONS</b>					
DEPTH LIMITATION: 15.24 metres					
SURVEY: This plan is based on survey. Lot 1 is the result of this survey. Area of lot 2 has been obtained by deduction from title.  STAGING: This is not a staged subdivision. Planning Permit No. 584 / 15  This survey has been connected to permanent marks No(s).  In Proclaimed Survey Area No.					
<b>EASEMENT INFORMATION</b>					
LEGEND: A - Appurtenant Easement E - Encumbering Easement R - Encumbering Easement (Road)					
Easement Reference	Purpose	Width (Metres)	Origin	Land Benefited/In Favour Of	
E-1, E-3, E-4	WATER SUPPLY	25.15	TRANSFER 2158595	STATE RIVERS & WATER SUPPLY COMMISSION	
E-2, E-3	POWER LINE	15	THIS PLAN SECTION 88 ELECTRICITY INDUSTRY ACT 2000	POWERCOR AUSTRALIA LTD	
E-4, E-5	WATER SUPPLY	25.15	TRANSFER 588185	STATE RIVERS & WATER SUPPLY COMMISSION	
 <b>NORTHERN LAND SOLUTIONS</b> LICENSED SURVEYORS, PLANNERS, LAND DEVELOPMENT CONSULTANTS P.O. BOX 1054 SWAN HILL VIC. 3585 P: 03 50 33 00 35 F: 03 50 33 00 36 M: 0409015326 EMAIL: wes@northernlandsolutions.com.au WEB: www.northernlandsolutions.com.au		SURVEYORS FILE REF: 15 1627  Digitally signed by: Wesley John Pye (Northern Land Solutions), Surveyor's Plan Version (4), 22/10/2015		ORIGINAL SHEET SIZE: A3	SHEET 1 OF 2
		PLAN REGISTERED TIME: 12.09 PM DATE: 6/01/2017 RHills Assistant Registrar of Titles			



MODIFICATION TABLE						
RECORD OF ALL ADDITIONS OR CHANGES TO THE PLAN						
<div>PLAN NUMBER</div> <div>PS726414Y</div>						
WARNING: THE IMAGE OF THIS DOCUMENT OF THE REGISTER HAS BEEN DIGITALLY AMENDED. NO FURTHER AMENDMENTS ARE TO BE MADE TO THE ORIGINAL DOCUMENT OF THE REGISTER.						
AFFECTED LAND/PARCEL	LAND/PARCEL IDENTIFIER CREATED	MODIFICATION	DEALING NUMBER	DATE	EDITION NUMBER	ASSISTANT REGISTRAR OF TITLES
		PLAN AMENDED	AN573266B	18/02/17	2	JFM

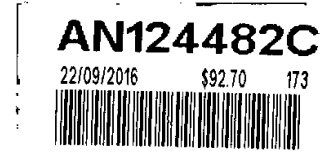
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# Application by a Responsible Authority for the making of a Recording of an Agreement

Section 181 Planning and Environment Act 1987

## Form 21



Lodged by:

Name: MADDOCKS  
Phone: 9258 3555  
Address: Level 6, 140 William Street, Melbourne, Victoria, 3000  
Ref: KAL:OXO:6796658  
Customer Code: 1167E

The Authority having made an agreement referred to in section 181(1) of the **Planning and Environment Act 1987** requires a recording to be made in the Register for the land.

Land: Volume 9505 Folio 804 and Volume 9367 Folio 315

Responsible Authority: Swan Hill Rural City Council of 45 Splatt Street, Swan Hill, Victoria

Section and Act under which agreement made: Section 173 of the *Planning and Environment Act 1987*

A copy of the agreement is attached to this application

Signature for the Authority:

Name of officer: V. JOHN F. LINDEN  
Position Held: CHIEF EXECUTIVE OFFICER  
Date: 13/9/16

The information contained in this document has been redacted as defined in the Privacy & Data Protection Act 2014 and is provided for the purpose of the planning process as set out in the Planning and Environment Act 1987. The information must not be used for any other purpose. By entering this Internet site you acknowledge and agree that you will only use the document for the purpose specified above and that any dissemination or distribution of this information is strictly prohibited. If you have any questions, please contact Council's Privacy Officer on 5036 2333.

[6796658: 17507865\_1]

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**AN124482C**

22/09/2016 \$92.70 173



**PLANNING AND ENVIRONMENT ACT 1987**

**SECTION 173 AGREEMENT**

BETWEEN

**SWAN HILL RURAL CITY COUNCIL**

- and -

land at:

**108 Little Murray Weir Road, Castle Donnington, Victoria 3585**

**Basile Pino & Co.  
213 Campbell Street, Swan Hill, Victoria 3585  
DX 30155, Swan Hill  
PO Box 351, Swan Hill, Victoria 3585  
Ref: GP:BM:17222**

[6796658: 17324264\_1]

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**AN124482C**



**THIS AGREEMENT** is made the 18 day of September 2016

**BETWEEN**

1. **Swan Hill Rural City Council** of 45 Splatt Street, Swan Hill in the State of Victoria (the "Responsible Authority") and
2. **Steven Paul Hamann and Judith Louise Hamann** of 118 Nixsons Road, Shelbourne Victoria 3575, in the said State Victoria (the "Owner").

**RECITALS:**

- R.1. The Owner is the registered proprietor of the land known as 108 Little Murray Weir Road, Castle Donnington Victoria in the said State, being the land contained in Certificates of Title Volume 9505 folio 804 and Volume 9367 Folio 315 (the "Land").
- R.2. The Responsible Authority is responsible for the administration and enforcement of the Planning Scheme pursuant to the provisions of the Act.
- R.3. The Responsible Authority issued planning permit number 2015/128 on 26/11/2015 allowing two lot boundary realignment (dwelling excision) in the Farming zone and Land Subject to Inundation Overlay generally in accordance with the endorsed plans (the "Permit").
- R.4. Condition 2 of the Permit provides as follows:

*Prior to the issue of a Statement of Compliance for the subdivision, the Owner of the lots must enter into an agreement with the Responsible Authority in accordance with Section 173 of the Planning and Environment Act 1987. The Agreement must provide for:*

- (a) *No dwelling or accommodation may be constructed on the vacant agricultural lot being Lot 2 PS726414.*
- (b) *The lot size of the agricultural lot, Lot 2 PS726414, may not be reduced through any subdivision.*
- (c) *The owner of Lot 1 PS 726414 acknowledges that the dwelling is located within an agricultural area and may be detrimentally affected by agricultural practices on adjoining and nearby land.*

*Agreement must be made to the Registrar of Titles to register the Section 173 Agreement on the title to the land under Section 181 of the same Act.*

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

- R.5. This Agreement is entered into between the Responsible Authority and the Owner pursuant to section 173 of the Act in order to meet the requirements of condition (2) of the Permit and to achieve and advance the objectives of planning in Victoria.
- R.6. As at the date of this Agreement, the Land is encumbered by a mortgage in favour of the Mortgagee. The Mortgagee consents to the Owner entering into this Agreement.

**IT IS AGREED AS FOLLOWS:**

**Definitions**

1. In this Agreement unless inconsistent with the context or subject matter:
  - 1.1. "Accommodation" has the same meaning as in the Planning Scheme as at the date of this Agreement.

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- 1.2. "Act" means the *Planning and Environment Act 1987*;
- 1.3. "Agreement" means this Agreement and any agreement executed by the parties varying or expressed to be supplemental to this Agreement, as amended from time to time;
- 1.4. "Building" has the same meaning as in the Act.
- 1.5. "Dwelling" has the same meaning as in the Planning Scheme as at the date of this Agreement.
- 1.6. "Land" means the land described in Recital R.1;
- 1.7. 1.5 "Lot 1 Land" means the land marked 'Lot 1' on the Plan of Subdivision;
- 1.8. "Lot 2 Land" means the land marked 'Lot 2' on the Plan of Subdivision;
- 1.9. "Mortgagee" means the person or persons registered or entitled from time to time to be registered by the Register of Titles as Mortgagee of the Land or any part of it;
- 1.10. "Owner" means the person or persons registered or entitled from time to time to be registered by the Registrar of Titles as the proprietor or proprietors of an estate in fee simple of the Land or any part thereof, and includes a Mortgagee in possession;
- 1.11. "party or parties" means the Owner and the Responsible Authority under this Agreement as appropriate but does not include a person who has transferred or otherwise disposed of all of their interests in the Subject Land;;
- 1.12. "Permit" means the planning permit issued by the Responsible Authority described in Recital R.3; A copy of the permit marked 'A' is attached.
- 1.13. "Planning Scheme" means the Swan Hill Planning Scheme and any successor instrument or other planning scheme which applies to the Land;
- 1.14. "Plan of Subdivision" means the plan of subdivision no. PS726414 approved by the Responsible Authority in accordance with the Permit for the Land, as amended from time to time by the Responsible Authority.
- 1.15. "Responsible Authority" means Swan Hill Rural City Council as the authority responsible for administering and enforcing the Planning Scheme and includes its agents, officers, employees, servants, workers and contractors and any subsequent person or body which is the responsible authority for the Planning Scheme; and
- 1.16. "Rural Activity Effects" includes noise, spray, dust and any other similar impacts caused by the rural activities occurring on the surrounding land; and
- 1.17. "Tribunal" means the Victorian Civil and Administrative Tribunal or any successor tribunal, court, institution or body.

#### Interpretation

2. In the interpretation of this Agreement unless inconsistent with the context or subject matter:
  - 2.1. The singular includes the plural and the plural includes the singular;
  - 2.2. A reference to a gender includes a reference to all other genders;

[6796658: 17324264\_1]

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- 2.3. Words (including defined expressions) denoting persons will be deemed to include all trusts, bodies and associations, corporate or unincorporated, and vice versa;
- 2.4. A reference to a person includes a reference to a firm, corporation, association or other entity and their successors in law;
- 2.5. If a party consists of more than one person this Agreement binds them jointly and each of them severally;
- 2.6. A reference to a statute includes any statute amending, consolidating or replacing that statute and includes any subordinate instruments made under that statute;
- 2.7. The Recitals to this Agreement are and will be deemed to form part of this Agreement including any terms defined within the Recitals;
- 2.8. References to the parties will include their transferees, heirs, assigns, and liquidators, executors and legal personal representatives as the case may be;
- 2.9. Reference to a document or agreement includes reference to that document or agreement as changed, novated or replaced from time to time; and
- 2.10. Where a word or phrase is given a definite meaning in this Agreement, a part of speech or other grammatical form for that word or phrase has a corresponding meaning.

#### Specific Obligations of the Owner

3. The Owner acknowledges that:

##### Lot 1 Land

- 3.1. the area surrounding the Lot 1 Land is used and will likely be continued to be used for agricultural uses;
- 3.2. Rural Activity Effects may be experienced by the Owner and occupants of the Lot 1 Land as a result of agricultural activities occurring on the surrounding land, which may cause a loss of residential amenity; and
- 3.3. existing agricultural and rural uses surrounding the Lot 1 Land have a legal right to continue to use and farm that land.

##### Lot 2 Land

The Owner covenants and agrees that:

- 3.4. the Lot 2 Land must not be further subdivided so as to reduce its area; and
- 3.5. a Dwelling or any other Building to be used for Accommodation purposes must not be constructed on the Lot 2 Land and any Building on the Lot 2 Land must not be used for the purposes of a Dwelling or Accommodation.

#### Further Covenants of the Owner

4. The Owner warrants and covenants with the Responsible Authority that:
  - 4.1. It is the registered proprietor (or entitled to be so) of the Land;
  - 4.2. Save as shown in the certificate of title to the Land, there are no mortgages, liens, charges, easements or other encumbrances or any rights inherent in any person affecting the Land or any part thereof and not disclosed by the usual searches;

[6796658: 17324264\_1]

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- 4.3. Neither the Land nor any part of it is subject to any right obtained by adverse possession or subject to any easements, rights or encumbrances mentioned in section 42 of the *Transfer of Land Act 1958* (Vic);
- 4.4. It has not entered into any contract of sale or lease in respect of the Land or any part thereof which option, contract or lease is still subsisting;
- 4.5. It will not sell, transfer, dispose of, assign, mortgage or otherwise part with possession of the Land or any part thereof without first providing to its successors a copy of this Agreement;
- 4.6. The Owner:
  - 4.6.1. must do all things necessary to give effect to this Agreement;
  - 4.6.2. consents to Council applying to the Registrar of Titles to record this Agreement on the certificate of title of the Land in accordance with section 181 of the Act; and
  - 4.6.3. agrees to do all things necessary to enable Council to do so, including:
    - (a) sign any further agreement, acknowledgement or document; and
    - (b) obtain all necessary consents to enable the recording to be made.
- 4.7. the Owner must pay to Council within 14 days after a written request for payment, Council's costs and expenses (including legal expenses) relating to this Agreement, including:
  - 4.7.1. preparing, drafting, finalising, signing, recording and enforcing this Agreement;
  - 4.7.2. preparing, drafting, finalising and recording any amendment to this Agreement; and
  - 4.7.3. preparing, drafting, finalising and recording any document to give effect to the ending of this Agreement.
- 4.8. It will do all that is necessary to enable the Responsible Authority to make an application to the Registrar of Titles to make a recording of this Agreement on the Certificate of Title to the Land in accordance with Section 181 of the Act, including the signing of any further agreement, acknowledgment or other document;
- 4.9. Until such time as this Agreement is registered on the certificate of title to the Land, the Owner shall ensure that successors in title will give effect to this Agreement, and do all acts and sign all documents which will require those successors to give effect to this Agreement, including executing a deed agreeing to be bound by the terms of this Agreement; and
- 4.10. the Owner:
  - 4.10.1. must pay to Council interest in accordance with section 227A of the *Local Government Act 1989* on any amount due under this Agreement that is not paid by the due date.
  - 4.10.2. If interest is owing, Council will apply any payment made to interest and any balance of the payment to the principal amount.

**AN124482C**



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**Further assurance**

5. The parties to this Agreement shall do all things necessary (including signing any further agreement, acknowledgement or document) to give full effect to the terms of this Agreement and to enable the Responsible Authority to register this Agreement on the titles to the Land in accordance with the Act.

**Amendment**

6. This Agreement may be amended only in accordance with the requirements of the Act.

**No waiver**

7. No waiver by any party of any default in the strict and literal performance of or compliance with any provision, condition or requirement in this Agreement will be deemed to be a waiver of strict and literal performance of and compliance with any other provision, condition or requirement of this Agreement nor to be a waiver of or in any way release any party from compliance with any provision, condition or requirement in the future nor will any delay or omission of any party to exercise any right under this Agreement in any manner impair the exercise of such right accruing to it thereafter.

**No Fettering of Powers of Responsible Authority**

8. The parties acknowledge and agree that this Agreement does not fetter or restrict the power or discretion of the Responsible Authority to make any decision or impose any requirements or conditions in connection with the granting of any planning approval or certification of any plans of subdivision applicable to the Land or relating to any use or development of the Land.

**Notices**

9. All notices and other communications under this Agreement will be sent by prepaid mail, by hand delivery, email or by facsimile to the addresses of the parties as specified in this Agreement or to such other address or person as any party may specify by notice in writing to the other party or parties, and may be sent by an agent of the party sending the notice. Each notice or communication will be deemed to have been duly received:
  - 9.1. not later than two business days after being deposited in the mail with postage prepaid;
  - 9.2. when delivered by hand;
  - 9.3. if sent by email upon production of a delivery confirmation report received by the sender which records the time the email was delivered unless the sender received a delivery failure notification; or
  - 9.4. if sent by facsimile transmission upon completion of that transmission and production of a transmission report stating that the facsimile was sent to the addressee's facsimile number.

**Costs on Default**

10. If the Owner defaults in the performance of any obligations under this Agreement it will pay to the Responsible Authority its reasonable costs of action taken to achieve compliance with this Agreement.

**Jurisdiction**

11. This Agreement will be governed by and construed in accordance with the law of the State of Victoria and each of the parties hereby submits to the jurisdiction of the Courts of the State of Victoria and the Victorian Civil and Administrative Tribunal.

**AN124482C**

22/09/2016 \$92.70 173



[6796658; 17324264\_1]

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**Invalidity of any Clause**

12. Notwithstanding anything to the contrary in this Agreement, if any provision of this Agreement will be invalid and not enforceable in accordance with its terms, all other provisions which are self-sustaining and capable of separate enforcement without regard to the invalid provisions and will be and continue to be valid and enforceable in accordance with those terms.

**Agreement Binding on Successors of Owners**

13. This Agreement will extend to and bind the Owner's successors, assigns, administrators, transferees and legal personal representatives and the obligations imposed upon them shall also be binding on their successors, transferees, purchasers, mortgagees and assigns as if each of them had separately executed this Agreement.

**Joint Obligations**

14. In the case of each party that consists of more than one person (including in that expression any corporation) each of those persons covenants, agrees and declares that all of the covenants, agreements, declarations and consents contained in this Agreement and made and given by that party have been entered into, made and given and are binding upon that person both severally and also jointly with the other person or persons constituting that party.

**Commencement of Agreement**

15. This Agreement shall commence on date that it bears.



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EXECUTED AS A DEED

AN124482C



THE COMMON SEAL of SWAN HILL RURAL CITY  
COUNCIL was affixed in the presence of the authorised  
person: )

Chief Executive Officer . . . . .

Full Name . . . . . JOHN MC LINDEN

Usual Address . . . . . 45 Splatt St Swan Hill

Councillor . . . . .

Full Name . . . . . LES MIPACE

Usual Address . . . . . SPLATT ST, SWAN HILL

Councillor . . . . .

Full Name . . . . . GARY W NORTON

Usual Address . . . . . SPLATT ST SWAN HILL

S

Address:

Address:

[6796658: 17324264\_1]

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#### Mortgagee's Consent

Westpac Banking Corporation as Mortgagee under Instrument of mortgage No. AG821449Y consents to the Owner entering into this Agreement and in the event that the Mortgagee becomes mortgagee-in-possession, agrees to be bound by the covenants and conditions of this Agreement.



{6799658: 17324264\_1}

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**Westpac**  
**Australia's First Bank**

Westpac Banking Corporation ABN 33 007 457 141

Basile Pino & Co  
PO Box 351  
SWAN HILL VIC 3585

Attention: Joe Pino

**AN124482C**



Business Loan Centre VIC  
150 Collins Street  
Melbourne VIC 3000

Telephone: 0432 961 759  
Facsimile:  
Our Ref: 102186822  
Your Ref: GP:LP:17222

Date: 3<sup>rd</sup> March 2016

**RECEIVED**  
**03 MAR 2016**  
BY: .....

The title will be available at VIC LTO within the next 5 business days.

If you have any queries, please do not hesitate to contact this office on 0432 961 759 or email [bmorgan@westpac.com.au](mailto:bmorgan@westpac.com.au).

Yours faithfully

**BRONWYN MORGAN**  
Team Member  
Business Banking Services

[www.westpac.com.au](http://www.westpac.com.au)

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COPY

# Nomination Request

Nomination of a Certificate of Title to a paper transaction or an Electronic Lodgement File (ELF)

**Privacy Collection Statement**  
The information from this form is collected by the Registrar of Titles under statutory authority and is used for the purpose of maintaining publicly searchable registers and indexes.

Name of nominating party: Westpac Banking Corporation  
VOTS Customer Code: 152325

To the Registrar of Titles,

1. Please register the following:

- ☐ Plan of Subdivision / Consolidation
- ☐ Discharge of Mortgage
- ☐ Mortgage
- ☐ Application by Legal Personal Representative
- ☐ Application by Surviving Proprietor
- ☐ ELF
- ☒ Other



Describe transaction document(s) by type and parties OR insert plan number OR insert ELF number

Section 173 Agreement to be lodged by Basile Pino & Co

2. Issue the following Certificate(s) of Title to:

- ☒ the nominating party  
(List land identifiers to be affected by this option)

**Please return Certificate of Titles Volume 9505 Folio 804 and Volume 9367 Folio 315 to Westpac Banking Corporation after registration**

- ☐ the controlling party of the dealing or plan  
(List land identifiers to be affected by this option)

Date: 03/03/2016

Signed by (name of nominating party): SAI Global for Westpac Banking Corporation 152325

Bronwyn Morgan



**THE BACK OF THIS FORM MUST NOT BE USED**  
Land Victoria, 570 Bourke Street, Melbourne, 3000, Phone 8636-2010

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Ref: 2015/128  
SL/AL

(A)

26 November 2015



Northern Land Solutions  
PO Box 1054  
SWAN HILL VIC 3585



Dear Mr Pye

PLANNING PERMIT NO.128  
TWO LOT BOUNDARY REALIGNMENT (DWELLING EXCISION) IN THE  
FARMING ZONE AND LAND SUBJECT TO INUNDATION OVERLAY  
LOT 1 PS 131107 AND LOT 8 PS 131894  
108 LITTLE MURRAY WEIR ROAD, CASTLE DONNINGTON

Under delegation of authority from Council, the above planning permit has been issued.

**Please note:**

1. The issue of this permit does not remove the need to obtain a Building Permit for either construction or demolition, or approval from the Health and Regulatory Services Manager, where connection is to septic tank or registration as required under the Health Act or any other Act.
2. It should be noted that this is a Planning Permit for the development of the land for a subdivision.
3. The conditions as listed must be met before a Statement of Compliance can be issued for the plan of subdivision.

Approval should also be obtained for any permit required pursuant to any other regulation. Any person carrying out development where the above permits have not been obtained may be liable to prosecution.

Please find enclosed a copy of the Planning Permit.

If you require any further information please contact the Planning Department on 5036 2352 or via email to [planning@swanhill.vic.gov.au](mailto:planning@swanhill.vic.gov.au).

Yours sincerely

Stefan Louw  
Statutory Planning Coordinator

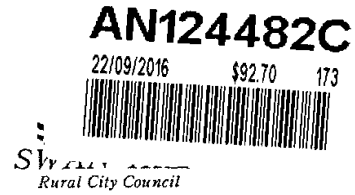


46 Oplatt Street SWAN HILL VIC 3585  
PO Box 488 SWAN HILL VIC 3588  
DX30166 Swan Hill  
Telephone: (03) 5036 2333 Fax: (03) 5036 2340  
Email: [council@swanhill.vic.gov.au](mailto:council@swanhill.vic.gov.au)  
ABN 97435620016

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# PLANNING PERMIT



**APPLICATION NO:** 2015/128  
**PLANNING SCHEME:** Swan Hill Planning Scheme  
**RESPONSIBLE AUTHORITY:** Swan Hill Rural City Council  
**ADDRESS OF THE LAND:** LOT 1 PS 131107 AND LOT 8 PS 131894  
 108 LITTLE MURRAY WEIR ROAD,  
 CASTLE DONNINGTON

**THE PERMIT ALLOWS:** TWO LOT BOUNDARY REALIGNMENT (DWELLING  
 EXCISION) IN THE FARMING ZONE AND LAND  
 SUBJECT TO INUNDATION OVERLAY

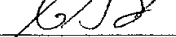
## THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

- 1 The subdivision allowed by this permit and shown on the endorsed plans must not be amended for any reason without the prior written consent of the Responsible Authority.
- 2 Prior to the issue of a Statement of Compliance for the subdivision, the owner of the lots must enter into an agreement with the Responsible Authority in accordance with Section 173 of the *Planning and Environment Act 1987*. The agreement must provide for:
  - a) *No dwelling or accommodation may be constructed on the vacant agricultural lot being Lot 2 PS 726414.*
  - b) *The lot size of the agricultural lot, Lot 2 PS7264141, may not be reduced through any future subdivision.*
  - c) *The owner of Lot 1 PS 726414 acknowledges that the dwelling is located within an agricultural area and may be detrimentally affected by agricultural practices on adjoining and nearby land.*

Application must be made to the Registrar of Titles to register the Section 173 Agreement on the title to the land under Section 181 of the same Act.

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

**Date Issued:** 26 November 2015

**Signature for the Responsible Authority:**  pg. 1

Delivered from the LANDATA® System by PSI Global Pty Ltd at 15 Dec 2023.

# PLANNING PERMIT

AN124482C



**APPLICATION NO:** 2015/128  
**PLANNING SCHEME:** Swan Hill Planning Scheme  
**RESPONSIBLE AUTHORITY:** Swan Hill Rural City Council  
**ADDRESS OF THE LAND:** LOT 1 PS 131107 AND LOT 8 PS 131894  
108 LITTLE MURRAY WEIR ROAD,  
CASTLE DONNINGTON

**THE PERMIT ALLOWS:** TWO LOT BOUNDARY REALIGNMENT (DWELLING  
EXCISION) IN THE FARMING ZONE AND LAND  
SUBJECT TO INUNDATION OVERLAY

**THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:**

- a) The plan of subdivision is not certified within two (2) years of the date of this permit.
- b) The plan of subdivision is not registered at Land Registry within five (5) years of the certification of the subdivision.


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

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

**NOTES FROM THE RESPONSIBLE AUTHORITY:**

Nil

Date Issued: 26 November 2015

Signature for the Responsible Authority:  pg. 3

Delivered by LANDATA®, timestamp 15/12/2023 17:11 Page 16 of 17

# PLANNING PERMIT



**APPLICATION NO:** 2015/128  
**PLANNING SCHEME:** Swan Hill Planning Scheme  
**RESPONSIBLE AUTHORITY:** Swan Hill Rural City Council  
**ADDRESS OF THE LAND:** LOT 1 PS 131107 AND LOT 8 PS 131894  
 108 LITTLE MURRAY WEIR ROAD,  
 CASTLE DONNINGTON

**THE PERMIT ALLOWS:** TWO LOT BOUNDARY REALIGNMENT (DWELLING  
 EXCISION) IN THE FARMING ZONE AND LAND  
 SUBJECT TO INUNDATION OVERLAY

## THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

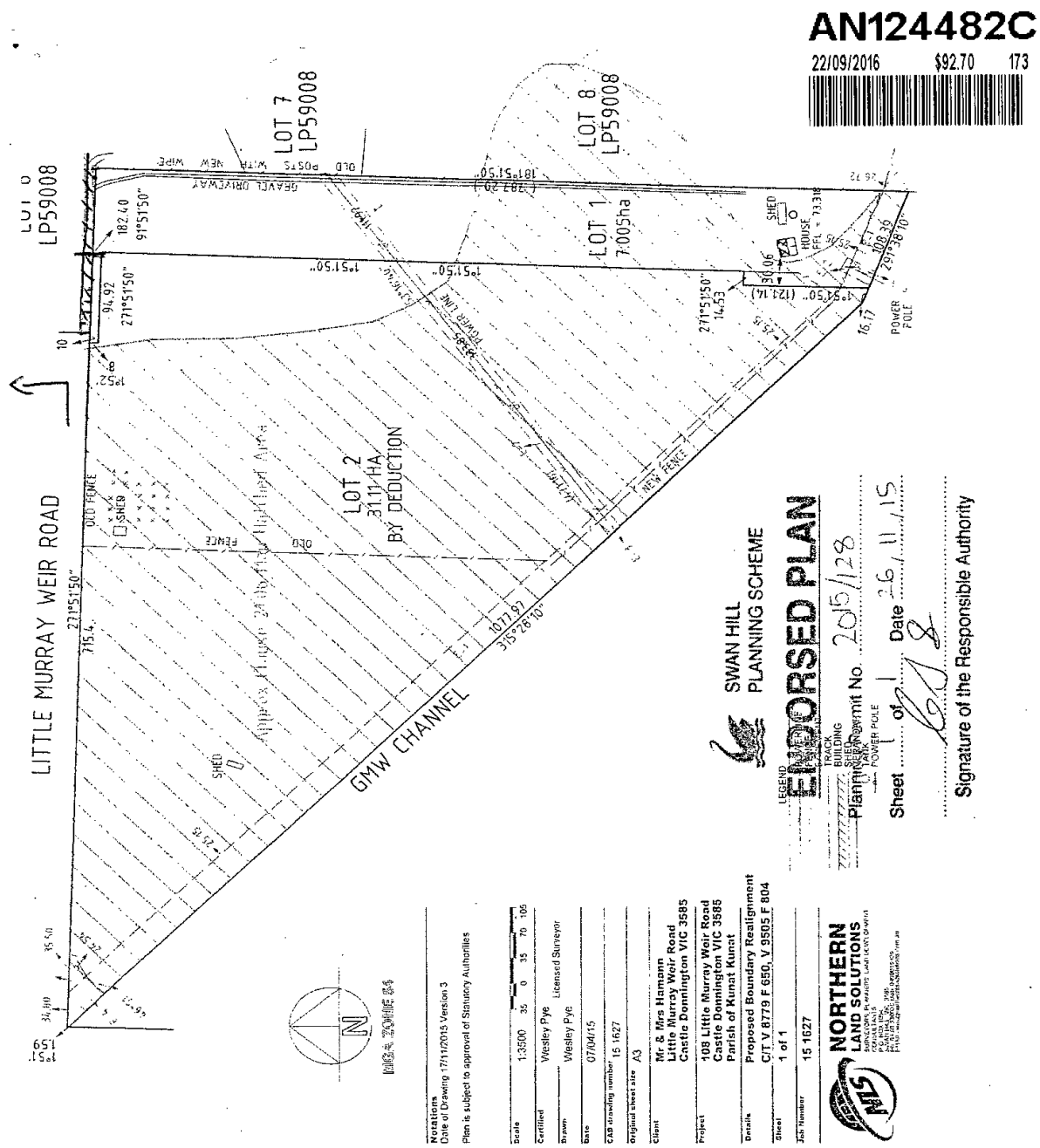
- 3 Prior to the issue of a Statement of Compliance for the subdivision, an all-weather road, with dimension adequate to accommodate emergency vehicles must be constructed to the dwelling to the satisfaction of the Responsible Authority.
- 4 The new vehicle crossing from Little Murray Weir Road must be constructed in accordance with the Infrastructure Design Manual (IDM) standards to the satisfaction of Council's Engineering Department.
- 5 Prior to the issue of a Statement of Compliance for the subdivision, the permit holder must demonstrate that stormwater from the dwelling can be retained within the boundaries of the property to the satisfaction of the Responsible Authority.
- 6 The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities, electricity and telecommunication services to each lot shown on the endorsed plan in accordance with the authority's requirements and relevant legislation at the time.
- 7 All existing and proposed easements and sites for existing or required utility services and roads on the land must be set aside in the plan of subdivision submitted for certification in favour of the relevant authority for which the easement or site is to be created.
- 8 The 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.
- 9 This permit will expire if one of the following circumstances applies:

**Date Issued:** 26 November 2015

**Signature for the Responsible Authority:**  pg. 2

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19 September 2024

Planning Department  
Swan Hill Rural City Council  
Via email: [planning@swanhill.vic.gov.au](mailto:planning@swanhill.vic.gov.au)

Dear Planning Department

**Notice of Proposal to Amend Section 173 Agreement  
(AN124482C)**

**Address of land: Lot 2 PS726414, 52 Little Murray Weir Road,  
Castle Donnington**

We advise that we act on behalf of

We are writing in response to the abovementioned Notice that proposes to remove the following text forming Part 3.5 of the agreement:

*"A dwelling or any other Building to be used for Accommodation purposes must not be constructed on the Lot 2 Land and any Building on Lot 2 Land must not be used for the purposes of a Dwelling or Accommodation."*

We advise that land is encumbered by the same s.173 agreement (AN124482C). Pursuant to s. 178D of the *Planning and Environment Act 1987*, **objects** to the proposed amendment for the following reasons.

The subject land is a 31.11 hectare lot located in an irrigated farming area and included in the Farming Zone. It is also included in a Land Subject to Inundation Overlay, Environmental Significance Overlay and Specific Control Overlay under the Swan Hill Planning Scheme.

240901 | Page 1

**[www.crossroadsplanning.com.au](http://www.crossroadsplanning.com.au)**

03 5472 4550

[contact@crossroadsplanning.com.au](mailto:contact@crossroadsplanning.com.au)

PO Box 630 Castlemaine Victoria 3450

ABN 29 602 789 837



The purpose of the Farming Zone includes:

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- 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.
- 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.

While the schedule to the Farming Zone states that the minimum area for which no permit is required to use land for a dwelling is 20 hectares where the land is within a gazetted irrigation district or where a water licence has been issued, Council only allowed the land to be re-subdivided under Planning Permit 2015/128 on the condition that the 31.11 hectare lot (Lot 2) would not be used for dwelling or accommodation purposes.

Planning Permit 2015/128 allowed the re-subdivision of two lots which comprised of:

- One 26.04 hectare lot which included an existing dwelling; and
- One 12.08 hectare lot which was undeveloped.

Under the Farming Zone, the 12.08 hectare lot did not meet the minimum lot size requirement to use the land for a dwelling without a planning permit.

The re-subdivision allowed by Planning Permit 2015/128 created:

- Lot 1, which is 7.005 hectares and includes the existing dwelling; and
- Lot 2, which is 31.11 hectares and is undeveloped.

In reaching its decision to allow the conditional re-subdivision, Council was required to consider the decision guidelines of the Farming Zone, which includes the Municipal Planning Strategy and the Planning Policy Framework.

To this end, we highlight that:

- The Rural Land Use Strategy 2016 referenced at Clause 02.03-4 responded to current and emerging rural land use issues and opportunities in the municipality, and identified that there is a legacy of small rural lots in irrigated areas that have become popular for rural residential land use which could have considerable implications for agricultural production. Dwellings in the rural areas that are not associated with agricultural activities could potentially undermine the viability of the rural sector. To manage the natural resources, Clause 02.03-4 states that



Council will: protect horticultural agriculture because it is fundamental to economic growth; discourage small lot subdivision in rural areas that undermines the productive agricultural base of the Rural City; and discourage land uses such as dwellings in the Farming Zone that are not directly related to agriculture or that have an adverse impact on agricultural activities.

- Planning Policy at Clause 14.01 seeks to retain agricultural land for agricultural purposes by protecting productive agricultural land from unplanned loss due to permanent changes in land use; limit new housing development in rural areas by directing housing growth into existing settlements; discouraging development of isolated small lots in the rural zones from use for dwellings; and discourage non-agricultural use and development in all rural areas other than those that support agriculture.

The landowner agreed to the imposition of the s.173 agreement (restriction) in order to secure planning permission for the re-subdivision. The landowner entered into the agreement with Council and subsequently sold Lot 1.

purchased Lot 1 on the understanding that Lot 2 could not be used or developed for the purpose of a dwelling or accommodation.

On behalf of \_\_\_\_\_, we say that:

- the Swan Hill Planning Scheme clearly does not support dwelling or accommodation uses in agricultural areas;
- the restriction at Part 3.5 of s. 173 agreement AN124482C continues to reflect the strategic objectives of the planning scheme;
- removing Part 3.5 of the agreement has potential to establish a precedent that could have major impacts on agricultural land value and its future productive viability; and
- the proposed amendment to the agreement should be refused.

We would be pleased to make further representations on this matter if that would be of assistance.

Yours faithfully,

**Dominique Trickey**  
Town Planner and Director  
Crossroads Town Planning Pty Ltd

## 2.9 Refusal of Extension of Time application - 27 River Road SWAN HILL

**Directorate:** Development and Planning  
**File Number:** 2021-116  
**Purpose:** For Discussion

### EXECUTIVE SUMMARY

<b>Application Number:</b>	2021-116
<b>Proposal:</b>	Use and Development of a Dwelling in a Farming Zone (Request for an extension of time)
<b>Applicant's Name:</b>	Vince Cutri
<b>Address:</b>	27 River Road, SWAN HILL
<b>Land Size:</b>	2.31 ha
<b>Site Features:</b>	Shed and remaining land is vacant
<b>Zoning:</b>	Farming Zone (FZ)
<b>Overlays:</b>	Environmental Significance Overlay – Schedule 1 (ESO1) Land Subject to Inundation Overlay (LSIO) Specific Controls Overlay (SCO1)
<b>Referral Authorities:</b>	North Central Catchment Management Authority (NCCMA)
<b>Lodgement date:</b>	12 March 2024
<b>Relevant VCAT Decisions:</b>	N/A

### Declarations of Interest:

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

### Key Points / Issues:

Planning Permit PLN2021-116 was granted for the 'Use and Development of a Dwelling in the Farming Zone' by Council at an Ordinary Council Meeting on 15 March 2022.

The owner of the land has not commenced construction of the dwelling since the grant of the permit. The owner is now seeking an extension of time (EOT) for the permit to commence the development.

The subject site is affected by the Land Subject to Inundation Overlay (LSIO) and any application for planning permit for the development of a dwelling on the land requires referral to the North Central Catchment Management Authority (NCCMA) under Section 55 of the *Planning and Environment Act 1987* as a recommending referral authority.

The original application was referred to NCCMA and it objected to the grant of the permit. However, a permit was granted by Council.

The original application also received one (1) objection from a neighbouring property. It is noted that neither the objector or NCCMA sought a review of Council's decision with the Victorian Civil and Administrative Tribunal (VCAT).

The current application for EOT was referred to NCCMA to seek comments. NCCMA have again objected to the proposed extension of time stating the following:

*'North Central CMA maintains that the intensification of development including the construction of additional dwellings in the Tyntynder Flats area is inconsistent with the flood risk of the site and poses an unacceptable risk to the life, health and safety of future occupants. The grounds for objection outlined in our letter dated 10 August 2021 are still relevant.'*

*Policy 17C of the Victorian Floodplain Management Strategy, 2016 outlines that:*

*"Where there is flood mitigation infrastructure that is not being formally managed:  
– the relevant Municipal Planning Scheme must not assume that the infrastructure will provide flood protection.*

*During the October/November 2022 flood event, highlighted the poor condition of the levee network that protects the Tyntynder Flats area. Whilst this levee did not overtop and flooding of this property did not occur, this levee network is not currently formally managed and maintained and significant temporary works had to be undertaken by emergency services to prevent overtopping of this levee network. This put a significant drain on emergency services that cannot be relied upon to be available in future flood events.*

*If Council want to support intensification of development behind this levee system, they should be willing to bring the levee into formal management arrangements and take ownership and responsibility of this levee network."*

The following is an assessment of the relevant matters that are to be considered in a request for an extension of time by the Responsible Authority.

As set out in Supreme Court Decision of Ashley J in Kantor v Shire of Murrindindi (1997) the relevant matters to be considered in a request for extension of time by the Responsible Authority are as follows:

Matters that should be considered in assessing the request for an extension of time	Assessment
<i>Whether there has been a change of planning policy.</i>	No substantial changes to the planning scheme have occurred since the grant of the permit. The Planning Department, however, would continue to recommend refusal of the application as the proposal for a dwelling on a small lot in Farming Zone does not meet the relevant policies within the Swan Hill Planning Scheme in relation to the protection of agricultural land. The proposal also will not result in orderly planning in relation to flooding as it will result in a dwelling within the flood risk area, and this has been confirmed by the flood management authority.
<i>Whether the landowner is seeking to 'warehouse' the permit.</i>	There is no documented evidence that the landowner is seeking to warehouse the permit.
<i>Intervening circumstances as bearing upon grant or refusal.</i>	The NCCMA has referred to the flood event of October/November 2022 which highlighted the poor condition of the levee. As per the NCCMA response, although the levee did not overtop, or the property flooded in 2022 however there is no formal management or maintenance that occur for the levee along the river. During the 2022 flooding, significant temporary works were undertaken by emergency services to prevent overtopping of this levee network. NCCMA objected to the EOT and seek that Council bring levee into formal management and maintenance systems if it wants to approve intensification of development take ownership and responsibility for levee.
<i>The total elapse of time.</i>	<p>The permit expired on 15 April 2024, and the permit holder has 6 months to apply for an extension after the permit expires if works have not commenced in accordance with the <i>Planning and Environment Act 1987</i> (the Act).</p> <p>The request for EOT was submitted within the above timeframe allowed under the Act.</p>

	<p>It is also noted that the planning permit had condition 1 for the provision of amended plans and to date no plans have been provided for endorsement.</p> <p>A site inspection on 09/09/2024 revealed no works have commenced on the land.</p>
<i>Whether the time limit originally imposed was adequate.</i>	The time limit imposed was adequate for the proposal when approved. The applicant indicated difficulty getting a builder as the reason for not starting within the prescribed time.
<i>The economic burden imposed by the landowner by the permit.</i>	The permit has not imposed an unreasonable economic burden on the landowner such that it could have prevented the owner from acting on the permit.
<i>The probability of a permit issuing should a fresh application be made.</i>	Should a fresh application be made, it is likely that again the Council would be provided with a recommendation for refusal of the application because the proposal is contrary to the Farming Zone, flooding policies, and the Planning Policy Framework. NCCMA has objected to the proposal as the relevant floodplain authority.
<i>The comments of any relevant referral authorities, if consultation considered appropriate.</i>	The extension of time application was referred to NCCMA and it has objected to the grant of the extension of time.

### Policy Impacts:

The proposal is contrary to the Farming Zone and the relevant agricultural policies of the Swan Hill Planning Scheme. The proposal is also contrary to the relevant policies in relation to flooding and the Land Subject to Inundation Overlay.

### Consultation:

NIL

### Financial Implications:

NIL

### Social Implications:

Since the planning permit was issued the floods of October/November 2022 have occurred which saw the levee needing urgent attention to prevent overtopping and flooding of this land.

**Economic Implications:**

NCCMA objected to the extension of time and seek that Council bring levee into formal management and maintenance systems if it wants to approve intensification of development, and that Council take ownership and responsibility for levee. This would be a considerable cost to Council.

**Environmental Implications:**

As outlined by the NCCMA, *'the intensification of development including the construction of additional dwellings in the Tyntynder Flats area is inconsistent with the flood risk of the site and poses an unacceptable risk to the life, health and safety of future occupants'*.

**Risk Management Implications:**

Potential risk to life, should an extension of time be granted.

**Conclusion:**

It is unusual to refuse an extension of time to a planning permit for the first request.

Having regard to the advice from the NCCMA following the October/November 2022 flood events and greater knowledge regarding the levee system, it is prudent to refuse this request rather than allow a dwelling to be built, considering at this stage there has been no action to address Condition 1 plans, or commence work.

It is considered the proposal to extend the expiry of the existing planning permit should not be supported. The NCCMA has also objected to the proposal as outlined in this report and objected to the original application for planning permit. Given the above, it is recommended the Extension of Time request be refused by Council.

**Options: (choose applicable):**

- a. Grant the extension of time application
- b. Refuse the extension of time application

- Attachments:**
- 4.5.1 - NCCMA – Objection to Extension
  - 4.5.2 - NCCMA – Original Objection to Permit
  - 4.5.3 - Planning Permit
  - 4.5.4 - Application Form



**Recommendation/s****That Council:**

Refuse the extension of time to Planning Permit PLN2021-116 as it is considered that should a fresh application be made it would not be supported based on the objection by the North Central Catchment Management Authority (recommending referral authority) advising that during the October/November 2022 flood events the levee protecting the land was at considerable risk of failing.

**CM 2024/218 Motion****MOVED Cr Englefield**

**That Council grant an extension of time pursuant to Condition 18 of Planning Permit 2021-116 to allow a further period of 3 years to commence the development of a dwelling from the date of expiry being 15 April, 2024.**

**SECONDED Cr Thornton**

**The Motion was put and CARRIED 6 / 0**

Cr Rogers returned to the meeting at 2:56 pm and was informed of the decisions made in items "2.8 Amendment of Section 173 Agreement - 52 Little Murray" and "2.9 Refusal of Extension of Time application - 27 River Road Swan Hill".



NCCMA Ref: NCCMA-F-2024-01080  
Council Ref: 2021-116  
Date: 23 August 2024

Warrick Fisher  
Planning Team Leader  
Swan Hill Rural City Council  
Po Box 488,  
Swan Hill Vic 3585

Dear Warrick

**Planning Permit Application No: 2021-116**  
**Development Description: Use and development of a dwelling in the Farming Zone**  
**Street Address: 27 River Road Swan Hill Vic 3585**  
**Cadastral Location: Lot 2 PS 643888**

Thank you for your referral under Section 55 of the *Planning and Environment Act, 1987* dated 22 August 2024, and received by North Central Catchment Management Authority (CMA) on 22 August 2024, regarding the above matter.

North Central CMA **does not support** Council issuing an extension of time for planning permit 2021-116.

North Central CMA maintains that the intensification of development including the construction of additional dwellings in the Tyntynder Flats area is inconsistent with the flood risk of the site and poses an unacceptable risk to the life, health and safety of future occupants. The grounds for objection outlined in our letter dated 10 August 2021 are still relevant.

Policy 17C of the Victorian Floodplain Management Strategy, 2016 outlines that:

*"Where there is flood mitigation infrastructure that is not being formally managed: – the relevant Municipal Planning Scheme must not assume that the infrastructure will provide flood protection"*

During the October/November 2022 flood event, highlighted the poor condition of the levee network that protects the Tyntynder Flats area. Whilst this levee did not overtop and flooding of this property did not occur, this levee network is not currently formally managed and maintained and significant temporary works had to be undertaken by emergency services to prevent overtopping of this levee network. This put a significant drain on emergency services that cannot be relied upon to be available in future flood events.

If Council want to support intensification of development behind this levee system they should be willing to bring the levee into formal management arrangements and take ownership and responsibility of this levee network.

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f @ t





Should you have any queries, please do not hesitate to contact me on **(03) 5440 1896**.  
To assist the CMA in handling any enquiries and the supply of further information, please ensure you quote **NCCMA-F-2024-01080** in your correspondence.

Yours sincerely

A handwritten signature in black ink that reads "Camille White". The script is cursive and fluid.

Camille White  
**Manager Floodplain**

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





*Attached: Definitions and Disclaimers*

### **Definitions and Disclaimers**

1. The area referred to in this letter as the 'proposed development location' is the land parcel(s) that, according to the Authority's assessment, represent(s) the location identified by the applicant. The identification of the 'proposed development location' on the Authority's GIS has been done in good faith and in accordance with the information given to the Authority by the applicant(s) and/or local government authority.
2. While every endeavour has been made by the Authority to identify the proposed development location on its GIS using VicMap Parcel and Address data, the Authority accepts no responsibility for or makes no warranty with regard to the accuracy or naming of this proposed development location according to its official land title description.
3. **AEP** as Annual Exceedance Probability – is the likelihood of occurrence of a flood of given size or larger occurring in any one year. AEP is expressed as a percentage (%) risk and may be expressed as the reciprocal of ARI (Average Recurrence Interval).  
  
Please note that the 1% probability flood is not the probable maximum flood (PMF). There is always a possibility that a flood larger in height and extent than the 1% probability flood may occur in the future.
4. **ARI** as Average Recurrence Interval - is the likelihood of occurrence, expressed in terms of the long-term average number of years, between flood events as large as or larger than the design flood event. For example, floods with a discharge as large as or larger than the 100-year ARI flood will occur on average once every 100 years.
5. **AHD** as Australian Height Datum - is the adopted national height datum that generally relates to height above mean sea level. Elevation is in metres.
6. No warranty is made as to the accuracy or liability of any studies, estimates, calculations, opinions, conclusions, recommendations (which may change without notice) or other information contained in this letter and, to the maximum extent permitted by law, the Authority disclaims all liability and responsibility for any direct or indirect loss or damage which may be suffered by any recipient or other person through relying on anything contained in or omitted from this letter.
7. This letter has been prepared for the sole use by the party to whom it is addressed and no responsibility is accepted by the Authority with regard to any third party use for the whole or any part of its contents. Neither the whole nor any part of this letter or any reference thereto may be included in any document, circular or statement without the Authority's written approval of the form and context in which it will appear.
8. The flood information provided represents the best estimates based on currently available information. This information is subject to change as new information becomes available and as further studies are carried out.

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

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

Dear Julie

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

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

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

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

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f @ t





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

**Advice to Applicant / Council**

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

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

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

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

Yours sincerely

A handwritten signature in black ink, appearing to read "Peter O'Toole".

Peter O'Toole

**Waterways and Floodplain Officer**

Cc: Roy Costa, Roy Costa Planning and Development

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





*Attached: Definitions and Disclaimers*

### **Definitions and Disclaimers**

1. The area referred to in this letter as the 'proposed development location' is the land parcel(s) that, according to the Authority's assessment, represent(s) the location identified by the applicant. The identification of the 'proposed development location' on the Authority's GIS has been done in good faith and in accordance with the information given to the Authority by the applicant(s) and/or local government authority.
2. While every endeavour has been made by the Authority to identify the proposed development location on its GIS using VicMap Parcel and Address data, the Authority accepts no responsibility for or makes no warranty with regard to the accuracy or naming of this proposed development location according to its official land title description.
3. **AEP** as Annual Exceedance Probability – is the likelihood of occurrence of a flood of given size or larger occurring in any one year. AEP is expressed as a percentage (%) risk and may be expressed as the reciprocal of ARI (Average Recurrence Interval).  
  
Please note that the 1% probability flood is not the probable maximum flood (PMF). There is always a possibility that a flood larger in height and extent than the 1% probability flood may occur in the future.
4. **ARI** as Average Recurrence Interval - is the likelihood of occurrence, expressed in terms of the long-term average number of years, between flood events as large as or larger than the design flood event. For example, floods with a discharge as large as or larger than the 100-year ARI flood will occur on average once every 100 years.
5. **AHD** as Australian Height Datum - is the adopted national height datum that generally relates to height above mean sea level. Elevation is in metres.
6. No warranty is made as to the accuracy or liability of any studies, estimates, calculations, opinions, conclusions, recommendations (which may change without notice) or other information contained in this letter and, to the maximum extent permitted by law, the Authority disclaims all liability and responsibility for any direct or indirect loss or damage which may be suffered by any recipient or other person through relying on anything contained in or omitted from this letter.
7. This letter has been prepared for the sole use by the party to whom it is addressed and no responsibility is accepted by the Authority with regard to any third party use for the whole or any part of its contents. Neither the whole nor any part of this letter or any reference thereto may be included in any document, circular or statement without the Authority's written approval of the form and context in which it will appear.
8. The flood information provided represents the best estimates based on currently available information. This information is subject to change as new information becomes available and as further studies are carried out.

Connecting rivers, landscapes, people

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## PLANNING PERMIT #2021-116

Sections 63, 64, 64A and 86 Planning and Environment Act 1987

**Swan Hill Rural City Council**  
(Responsible authority)

Issues this permit in accordance with the

**Swan Hill Planning Scheme**  
(Planning scheme)

to allow (this permit allows)

Use and Development of a Dwelling in the Farming Zone

On the land

**2 PS: 643888**

**27 RIVER ROAD SWAN HILL 3585**

(Address of the land)

Subjected to the attached conditions.

Issued on  
**15 April 2022**

  
Signature of Responsible Authority

Page 1 of 5



**PLANNING PERMIT #2021-116**

**THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:**

**Permit Conditions**

- 1 Prior to the commencement of works approved by this permit, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will form part of this permit. The plans must be generally in accordance with the plans submitted with the application, but modified to show:
  - a. A vegetated screen for the length of the entire southern boundary. The vegetated screen is to have a minimum depth of 4 metres and is to consist of indigenous native species with adequate spacing.
- 2 Prior to the occupation of the dwelling, a vegetated screen as shown on the endorsed plan is to be planted, to the satisfaction of the Responsible Authority.
- 3 The landscaping shown on the endorsed plan(s) must be maintained to the satisfaction of the Responsible Authority. Any dead diseased or damaged trees must be replaced with same species to the satisfaction of the Responsible Authority.
- 4 Prior to commencement of works, the owners of the land must enter into an agreement with the Responsible Authority and in accordance with Section 173 of the *Planning and Environment Act 1987*. The agreement must provide for:
  - a. The southern abutting parcel may be subject to intensive water treatment and associated uses.
  - b. The land and its occupants may experience off site effects, including noise, sprays and dust that may cause a loss of residential amenity.
  - c. Existing agricultural and rural uses in the area have a 'right to farm' or right to legally continue the use.

Prior to the commencement of works:

  - a. Application must be made to the Register of Title to register the Section 173 Agreement on title to the land under Section 181 of the same Act.
  - b. The owners must pay all costs (including Council's costs) associated with the preparation, execution, registration and (if later sought) cancellation of the Section 173 Agreement.
- 5 The development and use allowed by this permit and as shown on the endorsed plans to accompany the permit shall not be amended for any reason without the prior written consent of the Responsible Authority.
- 6 Access to the dwelling must be provided via an all-weather road with dimensions adequate to accommodate emergency services vehicles.
- 7 The dwelling must be connected to a reticulated potable water supply or have an alternative potable water supply with adequate storage for domestic use as well as for fire fighting purposes.
- 8 The dwelling must be connected to a reticulated electricity supply or have an alternative energy source.
- 9 The finished floor level of the proposed dwelling must be constructed a minimum of 0.3 metres above the 1% AEP flood level of 67.9 metres AHD, i.e no lower than 68.2 metres AHD.

Issued on  
**15 April 2022**

  
Signature of Responsible Authority

- 10 The dwelling must be sited on an earthen fill pad with a finished surface level no lower than 67.9 metres AHD.

**Engineering Department**

- 11 Prior to the occupation of the building, the permit holder must ensure that stormwater runoff from the development/site can be retained within the boundaries of the lot to the satisfaction of the Responsible Authority.
- 12 Storm water runoff from all buildings, tanks and paved areas must be connected into the existing drainage system.

**Health Department**

- 13 Prior to the occupation of the dwelling, the dwelling must be fitted with a wastewater treatment and disposal system to a design approved by Council's Environmental Health Officer and such that all effluent is disposed of within the boundaries of the allotment. The wastewater disposal system must be protected from inundation from flood waters up to the 1 in 100 flood level.
- 14 All construction and ongoing activities must be in accordance with sediment control principles outline in 'Construction Techniques for Sediment Pollution Control' (EPA, 1991).
- 15 The wastewater management system must be appropriately designed to manage the potential volume of wastewater generated under full potential occupancy, including an appropriately sized disposal area based on a full water balance specific to the proposal and subject land in accordance with the requirements of Council's Environmental Health Officer.
- 16 The wastewater disposal area must be located a minimum of 60 meters from irrigation drains and channels, and from any dams, and at least 20 meters from any bores.
- 17 The wastewater disposal area must be kept free of stock, buildings, driveways and service trenching and must be planted with appropriate vegetation to maximise its performance. Stormwater must be diverted away. A reserve wastewater disposal field of equivalent size to the primary disposal field must be provided for use in the event that the primary field requires resting or has failed.

**EXPIRY**

- 18 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:**

- 1 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
- 2 A building permit will be required for the building work associated with this development, including demolition of existing buildings, prior to commencement of works.

Issued on  
**15 April 2022**

  
Signature of Responsible Authority

- 3 The existing vehicle crossing must be upgraded if required, in accordance with the Infrastructure Design Manual (IDM) standards.
- 4 A works within the road reserve permit will be required from Council prior to commencement of any works within the road reserve area (crossovers).
- 5 A separate permit must be obtained from Council's Public Health Services Department prior to installation of the septic tank system.
- 6 Flood levels for the 1% AEP (100-year ARI) flood event have been declared for this area under provisions of the Water Act 1989. In the event of a 1% AEP flood event, it is possible that the property may be subject to inundation from the Murray River. The declared 1% AEP flood level for the location is 67.9 AHD. The estimated depth of flooding is in the order of 0.5 metres to 1.7 metres deep.
- 7 The property may be afforded protection by the Murray River levee from flood events up to and including the 1% AEP flood. The conditions of these works is unknown and there is currently no formal arrangement for the management of these works.

Issued on  
**15 April 2022**

  
Signature of Responsible Authority

Page 4 of 5

## IMPORTANT INFORMATION ABOUT THIS PERMIT

### WHAT HAS BEEN DECIDED?

The responsible authority has issued a permit.

(Note: This is not a permit granted under Division 5 or 6 of Part 4 of the Planning and Environment Act 1987.)

### CAN THE RESPONSIBLE AUTHORITY AMEND THIS PERMIT?

The responsible authority may amend this permit under Division 1A of Part 4 of the Planning and Environment Act 1987.

### WHEN DOES A PERMIT BEGIN?

A permit operates:

- from the date specified in the permit; or
- if no date is specified, from
  - (i) the date of the decision of the Victorian Civil and Administrative Tribunal, if the permit was issued at the direction of the Tribunal; or
  - (ii) the date on which it was issued, in any other case.

### WHEN DOES A PERMIT EXPIRE?

1. A permit for the development of land expires if -
  - the development or any stage of it does not start within the time specified in the permit; or
  - the development requires the certification of a plan of subdivision or consolidation under the Subdivision Act 1988 and the plan is not certified within two years of the issue of the permit, unless the permit contains a different provision; or
  - the development or any stage is not completed within the time specified in the permit, or, if no time is specified, within two years after the issue of the permit or in the case of a subdivision or consolidation within five years of the certification of the plan of subdivision or consolidation under the Subdivision Act 1988 .
2. A permit for the use of land expires if -
  - the use does not start within the time specified in the permit, or if no time is specified, within two years after the issue of the permit; or
  - the use is discontinued for a period of two years.
3. A permit for the development and use of land expires if -
  - the development or any stage of it does not start within the time specified in the permit; or
  - the development or any stage of it is not completed within the time specified in the

- permit, or, if no time is specified, within two years after the issue of the permit; or
  - the use does not start within the time specified in the permit, or, if no time is specified, within two years after the completion of the development; or
  - the use is discontinued for a period of two years.
4. If a permit for the use of land or the development and use of land or relating to any of the circumstances mentioned in section 6A(2) of the Planning and Environment Act 1987, or to any combination of use, development or any of those circumstances requires the certification of a plan under the Subdivision Act 1988, unless the permit contains a different provision -
    - the use or development of any stage is to be taken to have started when the plan is certified; and
    - the permit expires if the plan is not certified within two years of the issue of the permit.
  5. The expiry of a permit does not affect the validity of anything done under that permit before the expiry.

### WHAT ABOUT REVIEWS?

- The person who applied for the permit may apply for a review of any condition in the permit unless it was granted at the direction of the Victorian Civil and Administrative Tribunal, in which case no right of review exists.
- An application for review must be lodged within 60 days after the permit was issued, unless a notice of decision to grant a permit has been issued previously, in which case the application for review must be lodged within 60 days after the giving of that notice.
- An application for review is lodged with the Victorian Civil and Administrative Tribunal.
- An application for review must be made on the relevant form which can be obtained from the Victorian Civil and Administrative Tribunal, and be accompanied by the applicable fee.
- An application for review must state the grounds upon which it is based.
- A copy of an application for review must also be served on the responsible authority.
- Details about applications for review and the fees payable can be obtained from the Victorian Civil and Administrative Tribunal.



**Please return this completed form to:**  
 PO Box 488, Swan Hill VIC 3585 | DX 30166  
 45 Splatt Street, Swan Hill VIC 3585  
 Tel: 03 5036 2352 | Fax: 03 5036 2340  
 Email: [planning@swanhill.vic.gov.au](mailto:planning@swanhill.vic.gov.au)

## Application for extension of time

<b>Applicant Details</b>	The information contained in this document has been redacted as defined in the Privacy & Data Protection Act 2014 and is provided for the purpose of the planning process as set out in the Planning and Environment Act 1987. The information must not be used for any other purpose. By entering this Internet site you acknowledge and agree that you will only use the document for the purpose specified above and that any dissemination or distribution of this information is strictly prohibited. If you have any questions, please contact Council's Privacy Officer on 5036 2333.	
Name:		
Address:		
Phone:		Email:

<b>Permit Application &amp; Land Details</b>			
Permit / Application No: 2021-116		Date Issued: 15 APRIL 2022	
Lot:: 2	Plan: PS 643888	Crown Allotment:	Section:
Address: 27 River Road SWAN HILL VIC 3585			

<b>Specify Time Sought for Extension</b>	<input type="checkbox"/> 1 year	<input checked="" type="checkbox"/> 2 years	<input type="checkbox"/> Other _____
<b>Is the land currently or about to be for sale?</b>	<input type="checkbox"/> Yes	<input type="checkbox"/> No	
<b>Reason why the permit has not been acted upon within the time limit</b>			
Unable to commence works due to issues getting a builder.			
<b>List any progress that has been made towards acting on the permit</b>			
Started discussions with a builder. Placing soil on property.			
<b>When will the works approved by the permit commence and be completed?</b>			
Hopefully within the next 2 years.			

## Declaration

I declare that all the information I have given is true and correct and the owner (if not myself) has been advised of the application. It is against the law to provide false or misleading information.

Signature:  
 Date: 12/03/2024

*Personal information collected by Council is used for municipal purposes as specified in the Planning and Environment Act 1987, Subdivision Act 1988 and other relevant legislation. This personal information will be used solely by Council to assess your right to access the requested documents. The applicant understands that the personal information provided is for the above purpose and that he/she may apply to Council for access to and/or amendment of the information.*

### 3 Officer Report for Noting

Nil.

## 4 Decisions Which Need Action / Ratification

### 4.1 Sign and Seal

**Directorate:** Chief Executive Officer

**File Number:** S16-05-01

**Purpose:** For Noting

#### Declarations of Interest:

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

#### Summary

The following documents and agreements have been signed and sealed by the Councillors and the Chief Executive Officer on the respective dates. Those actions require the ratification of the Council.

#### Discussion

During any month Council is required to sign and seal a range of documents arising from decisions made on a previous occasion(s). Examples include sale of land, entering into funding arrangements for Council programs etc.

As the decision to enter into these agreements has already been made, these documents are signed and sealed when received, with Council ratifying the signing and sealing at the next Council meeting.

The following documents were signed and sealed since the last Council meeting:

No.	Document Type	Document Description	Date signed/ sealed
1175	Section 173 agreement – 5 Little Murray Weir Road, Castle Donnington	Between Swan Hill Rural City Council and J.H.Burns and R.L.Burns	10/12/24

Note: A Section 173 Agreement is typically a contract between the Council and a landowner that places use or development restrictions on the land.

They are intended to ensure compliance with conditions contained in permits granted by the Council and are often used in subdivision matters. These agreements refer to Section 173 of the Planning and Environment Act 1987.

### **Consultation**

Council authorise the signing and sealing of the above documents.

### **Recommendation/s**

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

### **CM 2024/219 Motion**

#### **MOVED Cr McPhee**

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

#### **SECONDED Cr Englefield**

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

## 4.2 Councillor Assemblies - Record of Attendance and Agenda Items

**Directorate:** Chief Executive Officer  
**File Number:** S15-05-06  
**Purpose:** For Noting

### Declarations of Interest:

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

### Summary

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

### Discussion

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

An assembly of Councillors is defined as a meeting that is planned or scheduled and where the matters being considered that are intended or likely to be the subject of a Council decision.

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

Details of the most recent assemblies of Council are attached.

### Council Plan Strategy Addressed

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

4.1 Excellent management and administration

4.1.1 Well managed resources for a sustainable future

4.1.2 Provide robust governance and effective leadership

4.1.3 Sound, sustainable:

- Financial management • Excellence in service delivery • Strategic planning

### Current Strategic documents

No strategic documents applicable.

### Key Legislation



There is no key legislation applicable

**Attachments:** 1. COUNCILLOR ASSEMBLIES ATTENDANCE AND AGENDA  
December [4.2.1 - 3 pages]

**Options**

Council Assemblies are reported to ensure good governance and transparency.

**Recommendation**

**That Council note the contents of the report.**

**CM 2024/220 Motion**

**MOVED Cr Broad**

**That Council note the contents of the report.**

**SECONDED Cr McPhee**

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

**COUNCILLOR ASSEMBLIES ATTENDANCE AND AGENDA**

**26 November 2024 at 12.30pm, Swan Hill Town Hall – Council Chambers**

**AGENDA ITEMS**

- Future options for accommodating critical workers

**ADDITIONAL ITEMS DISCUSSED**

- Nil

**ATTENDANCE**

Councillors

- Cr Stuart King
- Cr Les McPhee
- Cr Peta Thornton
- Cr Philip Englefield
- Cr Hugh Board
- Cr Terry Jennings
- Cr Lindsay Rogers

**Apologies / Leave of Absence**

- Nil

**OFFICERS**

- Scott Barber, Chief Executive Officer
- Bruce Myers, Director Community and Cultural Services
- Leah Johnston, Director Infrastructure
- Bhan Pratap, Director Corporate Services
- Michelle Grainger, Director Development and Planning
- Dennis Hovenden, Manager Economic & Community Development

**Other**

- Noel Watson, Real Estate

**CONFLICT OF INTEREST**

- Nil

**COUNCILLOR ASSEMBLIES ATTENDANCE AND AGENDA**

**3 December 2024 at 10.30am, Swan Hill Town Hall – Council Chambers**

**AGENDA ITEMS**

- Strategic Land Purchase
- Surplus 2023/24
- Review of 10 year Major Projects Plan

**ADDITIONAL ITEMS DISCUSSED**

- Nil

**ATTENDANCE**

Councillors

- Cr Les McPhee
- Cr Stuart King
- Cr Peta Thornton
- Cr Philip Englefield
- Cr Hugh Board
- Cr Terry Jennings
- Cr Lindsay Rogers

**Apologies / Leave of Absence**

- Nil

**OFFICERS**

- Bruce Myers, Director Community and Cultural Services
- Bhan Pratap, Director Corporate Services
- Michelle Grainger, Director Development and Planning
- Dennis Hovenden, Manager Economic & Community Development
- Ash Free, Finance Manager

**Other**

- Nil

**CONFLICT OF INTEREST**

- Nil

**COUNCILLOR ASSEMBLIES ATTENDANCE AND AGENDA**

**10 December 2024 at 10.30am, Swan Hill Town Hall – Council Chambers**

**AGENDA ITEMS**

- Confirm changes made/requested to Review of 10 Year Major Projects Plan
- Australia Day – up-date
- Herbert Street update
- 9 Gummow Street, Swan Hill-2 dwellings & a 2 lot subdivision
- 52 Little Murray Weir
- 27 River Road
- Council Plan Progress Report - September 2024
- Prevention of Sexual Harassment Policy
- Swan Hill Showgrounds Sport and Recreation Reserve Precinct Masterplan
- Directors up-dates

**ADDITIONAL ITEMS DISCUSSED**

- Nil

**ATTENDANCE**

Councillors

- Cr Les McPhee
- Cr Stuart King
- Cr Philip Englefield
- Cr Hugh Board
- Cr Terry Jennings

**Apologies / Leave of Absence**

- Cr Lindsay Rogers
- Cr Peta Thornton

**OFFICERS**

- Scott Barber, Chief Executive Officer
- Bruce Myers, Director Community and Cultural Services
- Leah Johnston, Director Infrastructure
- Bhan Pratap, Director Corporate Services
- Michelle Grainger, Director Development and Planning
- Ash Free, Finance Manger
- Jess Chislett, Procurement and Properties Coordinator
- Helen Morris, Organisational Development Manager
- Dennis Hovenden, Manager Economic & Community Development
- Dione Heppell, Liveability and Project Development Coordinator

**Other**

- Tonya Taylor
- Brent McKnight, Christine and Josh Ewart
- Tom Farmer
- Vince Cutri

**CONFLICT OF INTEREST**

- Nil

## 5 Notices of Motion

Nil.

## 6 Foreshadowed Items

Nil.

## 7 Urgent Items Not Included In Agenda

Nil.

## 8 To Consider and Order on Councillor Reports

### 8.1 Cr Les McPhee

List events / meetings attended

Date	Organisation / Group	Details (if relevant)
27/11/24	Author Jenani Therone	Talk about her book 'Of Service'
3/12/24	Resident & Ratepayers	Meeting
4/12/24	Anne Webster	Meet and Greet, then Christmas drinks
5/12/24	FLO College Awards	Presented Youth Endeavour Scholarship to Ella Van-Heyuthysen
5/12/24	Library Volunteers	morning tea

### 8.2 Cr Philip Englefield

List events / meetings attended

Date	Organisation / Group	Details (if relevant)
11 Dec	Haven Home Safe	opening 13 social housing units
3 Dec 2024	REBA	General meeting
13 Dec 2024	Coffee with a Councillors	Robinvale / Euston Christmas Carnival

### 8.3 Cr Lindsay Rogers

List events / meetings attended

Date	Organisation / Group	Details (if relevant)
December 2024	River Tour of northern and eastern boundaries	

### 8.4 Cr Terry Jennings

List events / meetings attended

Date	Organisation / Group	Details (if relevant)
4/12/24	Housing Action Group	Observer council rep
7/12/24	SHDH	ED open day
01/12/2024	SHRCC	Coffee with councillor
17/11/2024	MDGCC	NSW Open Golf

### 8.5 Cr Peta Thornton

List events / meetings attended

Date	Organisation / Group	Details (if relevant)
	AGM – Nyah District Park	
	General Meeting of Sustainable Living in the Mallee	5 year strategic plan

### 8.6 Cr Stuart King

List events / meetings attended

Date	Organisation / Group	Details (if relevant)
13/12/2024	ABC Mildura - Swan Hill	Interview on outside broadcast in Swan Hill

12/12/2024	SHRCC	Smoking Ceremony at Art Gallery / Cultural Tourism Hub
10/12/2024	St Mary MacKillop College	Annual Presentation night
10/12/2024	SH Regional Livestock Exchange Advisory Committee	Quarterly meeting
08/12/2024	Lake Boga Bank 2 Bank	Participated in the 5km run
05/12/2024	Murray River Group of Councils	Quarterly Meeting
05/12/2024	SHRCC	WIN TV Interview re Art Gallery & Cultural & Tourism Hub
05/12/2024	SHRCC Library	Volunteers Morning Tea
03/12/2024	SES Swan Hill	Launch of Duck Race promotion for New Year
04/12/2024	Central Rivers Football Netball League	AGM
04/12/2024	Dr Ann Webster MP	Christmas Social Gathering
04/12/2024	SHRCC	Housing Action Group meeting - trades & skills
04/12/2024	Dr Ann Webster MP	Meet & Greet. Discussed Council priorities.
27/11/2024	Our Swan Hill	"Moment with the Mayor" interview
28/11/2024	ABC Radio - Mildura Swan Hill	Interview
01/12/2024	SHRCC	Swan Hill Market - Coffee with a Councillor
01/12/2024	SHRCC	Swan Hill Market - Coffee with a Councillor

## 8.7 Cr Hugh Broad

### List events / meetings attended

Date	Organisation / Group	Details (if relevant)
Coffee with a Councillor	SHRCC	Attended markets in Swan Hill with a stall set up by SHRCC
Little Athletics Open Day	Little Athletics	

Date	Organisation / Group	Details (if relevant)
Lake Boga Bank 2 Bank	Bank 2 Bank	

## 9 In-Camera Items

### RECOMMENDATION

That, in accordance with sections 66(1) and 66(2)(a) of the *Local Government Act 2020*, the meeting be closed to members of the public for the consideration of the following confidential items:

### Strategic Land Acquisition

*CONFIDENTIAL ITEM This item is to be considered at an In Camera meeting in accordance with Section 3(1) (g(ii)) of the Local Government Act 2020, on the grounds that the item concerns private commercial information, being information provided by a business, commercial or financial undertaking that if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage.*

Cr Jennings left the meeting at 3:21pm due to a conflict of interest in the in-camera item.

### CM 2024/221 MOTION

#### MOVED Cr Englefield

That Council, resolve to close the meeting at 3:09 pm to members of the public to consider the following items.

#### SECONDED Cr Rogers

The Motion was put and CARRIED 6 / 0

### CM 2024/222 MOTION

#### MOVED Cr Broad

That standing orders be suspended at 3.09pm for a five minute break.

#### SECONDED Cr Thornton

The Motion was put and CARRIED 6 / 0



**CM 2024/223 MOTION****MOVED Cr Rogers****That standing orders be resumed at 3:13 pm.****SECONDED Cr McPhee****The Motion was put and CARRIED 6 / 0****CM 2024/225 MOTION****MOVED Cr McPhee****That the meeting move out of closed session at 3:22pm.****SECONDED Cr Broad****The Motion was put and CARRIED 7 / 0**

Cr Jennings returned to the meeting at 3:22 pm and was informed of the decision made in-camera.

The following decision was made in-camera:

**5.1 Strategic Land Acquisition**

*CONFIDENTIAL ITEM This item is to be considered at an In Camera meeting in accordance with Section 3(1) (g(ii)) of the Local Government Act 2020, on the grounds that the item concerns private commercial information, being information provided by a business, commercial or financial undertaking that if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage.*

**CM 2024/224 Motion****MOVED Cr McPhee****That Council:**

- 1. Authorise the Chief Executive Officer to negotiate as per amended option 1 and that in the event of agreement being reached, that the Chief Executive Officer be authorised to sign and execute the purchase contract documents.**
- 2. Authorise funds from Council reserves.**

**SECONDED Cr Rogers****The Motion was put and CARRIED 6 / 0****10 Close of Meeting**

There being no further business the Mayor, Councillor Cr King closed the meeting at 3:23 pm