

Swan Valley Sporting Club Inc.



Dear Swan Valley Member

We write to inform you of a decision that has been made by your committee.

Today we have erected a fence defining the boundary of Swan Valley Sporting Club (**SV**) at the Eastern end of our oval.

We therefore take this opportunity to communicate the facts leading to our decision which we have considered over a significant period of time. We want our members and that of the Swan Valley community for that matter to be fully informed.

Since the 1960's, SV have willingly and knowingly allowed the intermittent use of our land to Swan Athletic Sporting Club (**SA**). The portion of land by SA for the use of football has varied over the years from nothing to now using a land area of 75m² within their South Western boundary line. Further, another 100m² bordering that boundary line has similarly been utilised intermittently. This has not been exclusive use by SA, because SV has maintained its rights and use of the subject land.

This land has previously been surveyed and pegged and reconfirmed just recently. Past presidents of SV have both verbally and by way of written letter informed SA of their encroachment on our land. SA have understood and acknowledged this encroachment. Whilst we have always owned this land, SV has refrained from charging rent to SA nor erecting a fence and has tolerated shared use in a neighbourly manner.

Over the years it came to the attention of SV that the Unity Club entered into a lease with SA for a parcel of their land in which SA similarly encroaches with their football boundary. SV whilst knowing this, allowed SA to continue to use our land intermittently for the use of football, free of charge. Our view was primarily based on the hope that negotiations to amalgamate the 2 clubs would yield a long-term positive outcome to the 2 clubs and the Swan Valley community.

It is important we now add the context of the merger attempt which has had an impact on our decision. This merger was instigated by our Chairman Sandro Di Lollo back in mid-2010, he was instrumental in the drive to unite our clubs and therefore our community having been born and raised in the Swan Valley himself. A merger committee was formed in December 2010 consisting of Sandro Coniglio, Darryl Burton, Mick Erceg, Peter Nuich, Sandro Di Lollo & Troy Bozich.

A number of proposals were prepared for the City of Swan along with several deputations and meetings. Unfortunately, by mid-2015 and after 4 1/2 years of proposal after proposal the City of Swan would not support funding required to rebuild our ailing facilities.

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This was a very disappointing outcome after so much effort by the merger committee. Whilst this presented a major stumbling block it did not in our view impede the 2 clubs from amalgamating.

During the end of 2015 Sandro Di Lollo & Troy Bozich instigated another effort to amalgamate this time without the assistance of the City of Swan. Both Presidents of SV (Allen Notte) & SA (Dave Pavlinovich) along with several members of the respective committee met soon after with the view to take a simple proposal to our members.

We discussed taking the following to our members:

- Move SV to SA premises – the rebuild funding would be determined by the new committee
- Keep SA colours
- Call the club Swan Valley SC
- Form a new fresh committee who would be committed to this process

There were several tasks allocated to each party before this could take place, SV completed their tasks and awaited SA to complete theirs. Several requests were made during 2016 for SA to complete these tasks and progress the amalgamation, however, communication from SV to SA was ignored with no reply forthcoming.

As a result of this behaviour by SA, SV have taken the view that the appetite to merge or even open dialogue was simply one-way, further SA have failed to act with any commercial efficacy and we have been disrespected, not once but on several occasions.

Our club therefore must let go of the dream to unite our community and create a club that would be the envy of the metro area, rather we must now survive on our own to ensure that the oldest and original Swan Valley club survives into the 21st century and beyond. This will not be easy for SV nor will it be for SA.

During this period of events a former committee member of SA who is now a member of SV also confirmed the committee of SA had attempted to claim our land under adverse possession. An attempt that did not proceed presumably due to their being no legal basis for such a claim. Remember this is our land which we have graciously let our neighbours use at no cost for decades.

In May 2018, SV presented SA committee a lease on commercial terms for the portion of land SV own and SA intermittently use on similar terms as the Unity Club. We could have asked for much more. This lease was rejected by SA committee.

After months of inaction, at the request of SA, the president and chairman of SV met recently

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to consider a proposal from SA to settle this matter. That proposal or rather a threat was that an adverse possession claim was imminent for 75m² of our land, further a deed was presented by SA for signing requesting a further 100m² to be released to SA for a paltry \$5,000.

Unfortunately, after decades of genuine community generosity from SV to SA we are faced with a neighbour whom does not see that generosity, who does not have any appetite to negotiate a commercial lease outcome nor communicate with our club, let alone respectfully engage in the amalgamation of the 2 clubs that continues to divide our Swan Valley community.

This has put our committee in a difficult position and the decision has not been taken lightly, however, we saw no option but to fence off the land which is legally and rightfully that of the members of SV, so that is what we have done. It is our firm view that the decision is in the best interests of SV and its members.

Regards

The committee of the SVSC

28 October 2018