



## STRATHBOGIE SHIRE COUNCIL

### MINUTES OF A SPECIAL MEETING OF STRATHBOGIE SHIRE COUNCIL HELD ON TUESDAY 12 FEBRUARY 2013 AT THE EUROA COMMUNITY CONFERENCE CENTRE COMMENCING AT 5.30 P.M.

**Councillors:** Colleen Furlanetto (Acting Chair)  
Colleen Furlanetto  
Patrick Storer  
Robin Weatherald  
Graeme (Mick) Williams

**Officers:** Phil Howard – Acting Chief Executive Officer  
Roy Hetherington - Director, Asset Services  
David Woodhams – Director, Corporate and Community

#### **BUSINESS**

1. Welcome
2. Acknowledgement of Traditional Land Owners  
*'In keeping with the spirit of Reconciliation, we acknowledge the traditional custodians of the land on which we are meeting today. We recognise indigenous people, their elders past and present'.*
3. Apologies  
  
Councillor Debra Swan  
Councillor Malcolm Little  
Councillor Alister Purbrick  
Steve Crawcour - Chief Executive Officer

4. Disclosure of Interests

Nil

#### **EXCERPT FROM MEETING PROCEDURE LOCAL LAW NO. 1**

##### ***CONDUCT OF PUBLIC***

##### **52. VISITORS**

- (1) Visitors must not interject or take part in debate.
- (2) Silence shall be preserved in the gallery at all times.
- (3) If any visitor is called to order by the Chairperson and again acts in breach of this Local Law, the Chairperson may order that person to be removed from the gallery.

**53. CALL TO ORDER**

Any person who has been called to order, including any Councillor who fails to comply with the Chairperson's direction, will be guilty of an offence.

Penalty: \$500

**54. REMOVAL FOR DISRUPTION**

The Chairperson has discretion to cause the removal of any person, including a Councillor, who disrupts any meeting or fails to comply with a direction under the provisions of this Local Law.

- 5. Reports of Council Officers
  - 5.1 Climate Change
  - 5.2 Infrastructure
  - 5.3 Private Enterprise
  - 5.4 Public Institutions
  - 5.5 Housing and Recreation
  - 5.6 Tourism
  - 5.7 Organisation

***Due to the Chair, Councillor Debra Swan, being an apology for the meeting, Councillors Williams and Weatherald nominated Councillor Furlanetto as Acting Chair for the meeting.***

***As there were no further nominations, Councillor Furlanetto assumed the role of Acting Chair for the meeting.***

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## 5. REPORTS

### 5.7 ORGANISATION

#### 5.7.1 Proposed Sale of Council Property - 33 Filson Street, Nagambie - Receiving / Hearing of Submissions

##### **Author and Department**

Acting Chief Executive Officer/Executive

##### **File Reference**

P40001360.0701

##### **Disclosure of Conflicts of Interest in relation to advice provided in this report**

The author of this report and officers/contractors providing advice in relation to this report do not have a direct or indirect interest, as provided in accordance with the *Local Government Act 1989*.

##### **Summary**

Council, at its Meeting held 18 December 2012, resolved to:

1. *Sell 33 Filson St, Nagambie (Lot 3 PS347738H) by private treaty to the owner of 318 High St, Nagambie (Tony Maroudas), subject to consideration of submissions under Section 223 of the Local Government Act 1989.*
2. *Invite submissions under Section 223 of the Local Government Act 1989.*
3. *Proceed with sale if no submissions are received under Section 223 of the Local Government Act 1989.*

Submissions were invited as per the Act requirements by public notice and direct notification to adjoining owners. Submissions closed Friday, 8 February 2013.

Two submissions were received and have been distributed in full to the Councillors. In summary the submissions object to the sale on the following basis:

- Impact on access to adjoining land which may then impact on their business.
- Sale should not be by private treaty, i.e. by auction.

Council is to consider these submissions at this Special Meeting and make a determination at the next available Ordinary Council Meeting (which is proposed for Tuesday 19 February 2013).

5.7.1 Proposed Sale of Council Property - 33 Filson Street, Nagambie  
- Receiving / Hearing of Submissions (cont.)

**RECOMMENDATION**

**That Council resolve to:**

- 1. Receive and consider the submissions that were distributed to Council.**
- 2. Make a determination at the next available Ordinary Council Meeting.**
- 3. Advise the proponent and submitters in writing of its decision.**

*19/03 CRS WILLIAMS/WEATHERALD : That the Recommendation be adopted.*

**CARRIED**

**Background**

Council was approached by the owner of 318 High Street, Nagambie to ascertain if it would be interested in selling property at Filson Street that is directly behind his takeaway food shop in High Street.

Investigations by Council staff have established that Council does not maintain this parcel and has no future plans for the land. It is deemed to be surplus to Council's needs.

The land does provide access to the rear of the National Bank which is used by staff for car parking. Any sale/transfer of the land would require the creation of an easement on title to provide legal access to the National Bank property (there is no access to the rear of the Bank from High Street).

The land has been valued at \$65,000 which is its current market value as at August 2012. It is approximately 1153 square metres and of a rectangle shape.

The land is currently utilised by the owner of 318 High Street, and also the land provides formal access to the rear of the National Bank in High Street. It abuts the Tavern Hotel's rear outdoor area but provides no access to this land, except illegal entry through a very poor fence structure.

Council has been advised that the property at 35-37 Filson Street does use the site for access which in turn supports the business operation being conducted at this address.

The land abutting to the west has been recently fenced (colour bond) the whole length of the boundary with no common/shared access. The proponent has constructed and maintained the internal road on the land at his own expense.

#### 5.7.1 Proposed Sale of Council Property - 33 Filson Street, Nagambie - Receiving / Hearing of Submissions (cont.)

The proponent believes the sale of the land to him will prevent the following issues he has with the vacant block:

- Illegal vagrant camping (mostly in vans or cars) which can be for a number of days.
- Vandals and alcohol effected people illegally accessing and leaving the hotel grounds.
- Illegal parking of motor vehicles.

He proposes (if he acquires the land from Council) the mutual benefits will be:

- He will provide fencing along the eastern boundary at his own cost which will stop illegal entry to the hote grounds and provide proper delineation for the Prentice/Filson Street block.
- He will provide a carriageway easement to ensure that the bank staff have proper access to their property.
- The land will be maintained at a good standard by him and increase the amenity of the area.

In summation, the land is surplus to Council's requirements and has no strategic function or benefit into the future. It is appropriate to consider realisation of community assets that are not utilised by Council and which have no direct benefit for the ratepayers.

#### **Alternative Options**

The alternatives are:

1. Not to proceed with the sale and keep the land.
2. Sell the land by "Auction" not private treaty.

#### **Risk Management**

The author considers that there are no significant Risk Management factors relating to the report and recommendation.

#### **Strategic Links – policy implications and relevance to Council Plan**

The author of this report considers that the report is consistent with Council Policies, key strategic documents and the Council Plan.

#### **Best Value / National Competition Policy (NCP / Trade Practices Act (TPA) implications**

The author of this report considers that the report is consistent with Best Value, National Competition Policy and Trade Practices Act requirements.

#### **Financial / Budgetary Implications**

The proposed sale has not been specifically included in the 2012/13 budget program. A sale will extract the full property valuation cash return which will be used to offset extraordinary items occurred this financial year, e.g. superannuation liability. In addition the land (if sold) could be rated which increases Council's ongoing income.

#### **Economic Implications**

The author of this report considers that the recommendation has no significant economic implications for Council or the broader community.

5.7.1 Proposed Sale of Council Property - 33 Filson Street, Nagambie  
- Receiving / Hearing of Submissions (cont.)

**Environmental / Amenity**

The author of this report considers that the recommendation has no significant environmental or amenity implications for Council or the broader community.

**Community Implications**

The author of this report considers that the recommendation has no significant community or social implications for Council or the broader community.

**Victorian Charter of Human Rights and Responsibilities Act 2006**

The author of this report considers that the recommendation does not limit any human rights under the Victorian Charter of *Human Rights and Responsibilities Act 2006*.

**Legal / Statutory Implications**

The sale of land will follow the due process set out in the *Local Government Act 1989*.

**Consultation**

Consultation has been conducted in accordance with the Section 223 process calling for public submissions on the sale.

**Attachments**

Site plan.

***THERE BEING NO FURTHER BUSINESS, THE MEETING CLOSED AT 5.46 P.M.***

Confirmed as being a true and accurate record of the Meeting

.....  
Acting Chair

.....  
Date



Council land

320 High -  
40001360.0710

318 High -  
40001360.0700