



STRATHBOGIE SHIRE COUNCIL

Notice is hereby given that a Special Meeting of the Strathbogie Shire Council will be held on Tuesday 13 June 2017 at the Euroa Community Conference Centre commencing at 5.00 p.m.

Councillors:	Amanda McClaren (Chair)	<i>(Lake Nagambie Ward)</i>
	Malcolm Little	<i>(Hughes Creek Ward)</i>
	John Mason	<i>(Seven Creeks Ward)</i>
	Debra Swan	<i>(Lake Nagambie Ward)</i>
	Alistair Thomson	<i>(Mount Wombat Ward)</i>
	Graeme (Mick) Williams	<i>(Seven Creeks Ward)</i>

Officers:	Steve Crawcour - Chief Executive Officer <i>(CEO)</i>
	Roy Hetherington - Director, Asset Services <i>(DAS)</i>
	David Roff - Director, Corporate and Liveability <i>(DCL)</i>

BUSINESS

1. Welcome
2. Acknowledgement of Traditional Land Owners
*'I acknowledge the Traditional Owners of the land on which we are meeting.
I pay my respects to their Elders, past and present'*
3. Apologies

	Councillor Kate Stothers	<i>(Honeysuckle Creek Ward)</i>
	Phil Howard - Director, Sustainable Development	<i>(DSD)</i>
4. Disclosure of Interests
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

Steve Crawcour
CHIEF EXECUTIVE OFFICER

8 June 2017

An audio recording of this meeting is being made for the purpose of verifying the accuracy of the minutes of the meeting, as per Local Law No. 1 - Meeting Procedure (2014) or as updated from time to time through Council Resolution

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5. REPORTS

5.2 INFRASTRUCTURE

5.2.1 Bell Street Drainage, Euroa

Author & Department

Director, Asset Services / Asset Services Directorate

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

In recent years, Council has been called upon to assist residents in Bell Street, Euroa, to manage floodwater diverted by residential development which has occurred within and alongside a floodway in the area.

A proposal to realign and reopen the floodway, which is supportive of both the existing development and potential further development, has been prepared in consultation with landowners.

General landowner support for the proposal has been demonstrated, and Council has allocated full funding for the project; however some delay has been experienced in obtaining site specific approval to proceed.

In the interest of avoiding a recurrence of flooding, Council can consider exercising a specific power it has under Section 200 of the Local Government Act 1989 (Act) to have the proposed works completed.

In accordance with the Act provisions, Council can propose to issue a notice to undertake drainage works to the landowner and invite Section 223 submissions on the matter.

Council can resolve to meet the cost of the proposed work in the event that Council decides to issue such notice and where landowners do not act to undertake it themselves.

RECOMMENDATION

That Council:

- 1. Resolve that the works shown on drawings No.'s 16014.03 and 16014.04, described in the works schedule attached, are required for the drainage of surface and storm water in the floodway at Bell Street, Euroa.**
- 2. Propose to issue a drainage notice pursuant to Section 200 (1) of the Local Government Act 1989, in the form attached.**

5.2.1 Bell Street Drainage, Euroa (cont.)

RECOMMENDATION (cont.)

3. **Authorise the giving of notice in accordance with Section 223 of the Local Government Act 1989, inviting submissions in relation the drainage notice.**
4. **Receive and hear submissions at a Special Council meeting to be held on Tuesday 8th August 2017, and consider the submissions at the Ordinary Council meeting to be held on Tuesday 15th August 2017.**
5. **Resolve to meet the cost of construction in the event Council proceeds with the works and whereby the landowners do not act to undertake the works to Council's satisfaction.**

Background

Flooding problems in Bell Street first came to Council's attention following a heavy rain event in December 2010. At that time it appeared that the filling of lots and the construction of fences by landowners was causing a diversion of water between properties. At that time residents were advised to work together to resolve the problems being caused by diversion.

Since that time, additional filling and fence construction has occurred and residents have requested additional help from Council to address the matter.

Council has acted to engage landowners in developing a proposal solution to the drainage problem and has had plans and estimates prepared for options which have been considered: -

6/12/2016 – A first meeting of landowners considered the pre and post development flood flows, Water Act 1989 requirements and a concept design, and identified options for considerations.

8/2/2017 – A second meeting of landowners considered the options and costings, and reached a consensus on the proposal now under consideration by Council.

Details of the proposal have been formally provided to the landowners most directly affected with an offer from Council to undertake the work all at Council's cost.

That offer has not been taken up by the landowners.

5.2.1 Bell Street Drainage, Euroa (cont.)

Officer/s Comments

The provisions of section 200 of the Act appear attractive to move the project forward. Potentially, utilizing those provisions could achieve resolution of the drainage problems prior to Spring rains.

The proposed timeline is as follows: -

- 13 June – Consideration of this report
- 21 June – Public Notice under section 223 regarding proposed drainage notice
- 21 July – Closing date for submissions
- 8 August – Hearing/receiving of submissions
- 15 August – Council resolution
- 16 August – Potential issuing of notices
- 30 September – Completion of landowners works

Alternative Options

The author has considered alternatives in consultation with landowners. The selected proposal best suits the circumstances. The works would include: -

- Vegetation clearing
- Reconstruction of the floodway and relocating it to the rear of properties.
- Landscaping and beaching
- Fence replacement and provision of flood flaps

Risk Management

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

The proposal has been developed to mitigate the risk of further flooding of properties within and adjacent to the floodway.

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 / Competition and Consumer Act 2010 (CCA) implications

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

Financial / Budgetary Implications

The estimated cost of the proposed works is \$42,047.80, excluding GST, which can be accommodated through reallocation of existing budget items. The cost to Council could be reduced if residents elect to undertake their own work within their properties as provided for in the drainage notice.

Economic Implications

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

Environmental / Amenity Implications

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

5.2.1 Bell Street Drainage, Euroa (cont.)

Community Implications

The author of this report considers that there are no other Community implications.

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

This report recommends that Council utilize the statutory provisions of the Local Government Act 1989 to address the drainage problems being encountered by landowners, specifically section 200 and section 223.

Section 200 of the Act reads as follows: -

Drainage of land

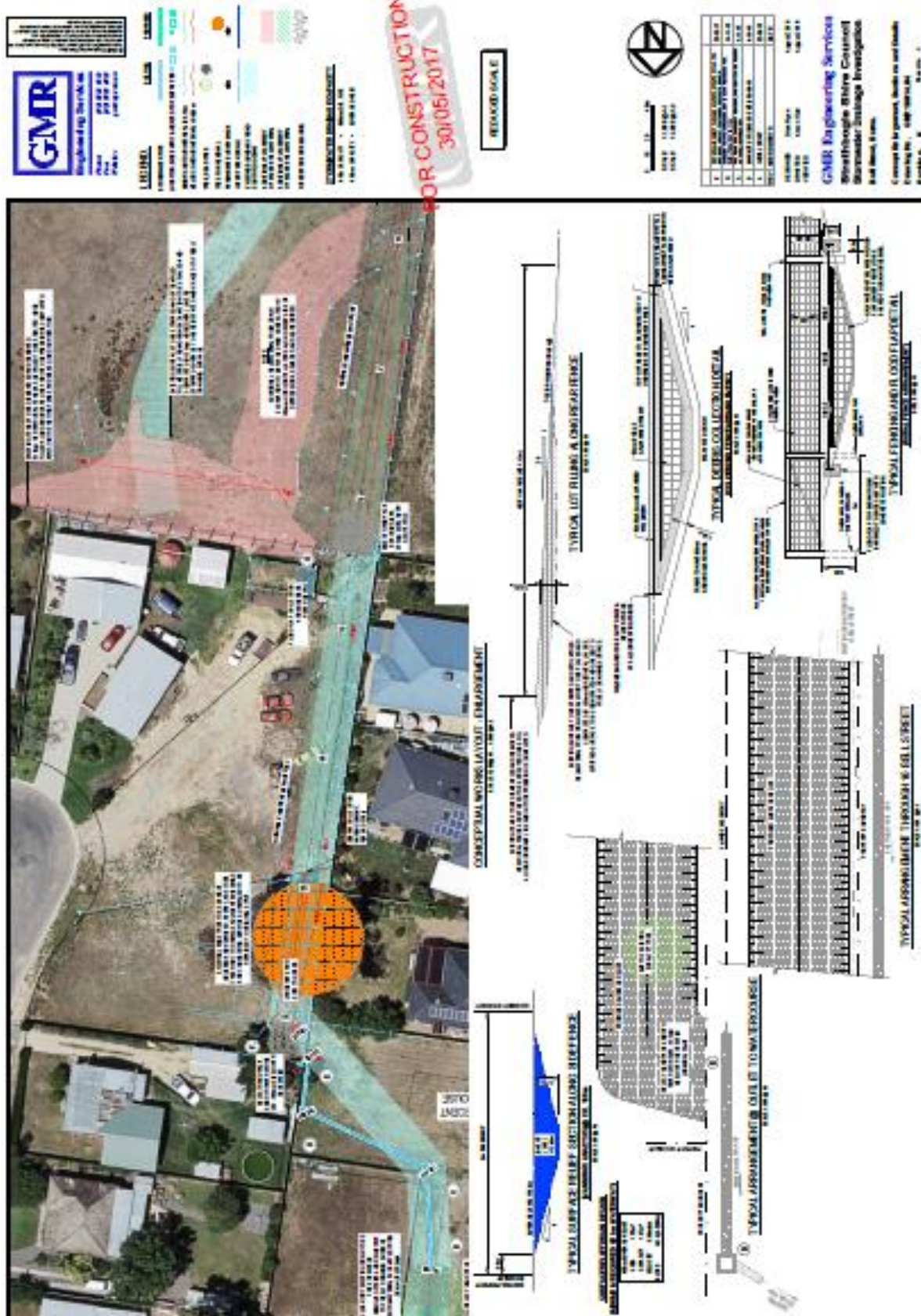
- 1. A Council may give the owner or occupier of any building or land a notice requiring that person to carry out any work for the drainage of a building or of surface or storm water on any land.*
- 2. If the owner or occupier of the building or land does not carry out the work to the satisfaction of the Council, the Council may carry out the work.*
- 3. If the Council carries out the work the owner or occupier must repay the cost of carrying out the work to the Council.*
- 4. A person has a right to make a submission under section 223 on any notice under this section.*

Consultation

Council has engaged the landowners in identifying the proposed works, and achieved general consensus on the matter. The proposed section 223 process will provide a further opportunity for landowners to have input.

Attachments

- Drainage drawings GMR 16014.03 and 16014.04
- Engineers estimate
- Proposed drainage notice under section 200(1)



**NOTICE PURSUANT TO SECTION 200(1)
OF THE LOCAL GOVERNMENT ACT 1989,
DRAINAGE OF LAND**

TO THE OWNER

LAND.....

Council, being satisfied that works are required for the drainage of surface and storm water, on the land at [], **gives you notice** pursuant to section 200(1) of the Local Government Act 1989 (**Act**) that you are required to carry out the works specified in the attached plans (**drainage works**).

Council **gives you further notice** that if the drainage works are not carried out to Council's satisfaction by **30th September, 2017**, or such extension of time as Council may agree to in writing, section 200(2) of the Act entitles Council to carry out the work. If Council carries out the drainage works, section 200(3) of the Act entitles Council to seek payment from you for the cost of carrying out the drainage works.

RIGHT TO MAKE SUBMISSION

In accordance with section 223(1) of the Local Government Act 1989, you are entitled to make a submission to Council with respect to the service of this Notice on you, provided such submission is received by Council by **21st July 2017**. If you make a submission you are entitled to request to appear in person before Council or a Committee determined by Council, or be represented by a person, and be heard in support of your submission, whereupon you will be notified of the time and date of the Council or Committee meeting for submissions to be heard.

Dated:.....

Council delegate name:

Council delegate signature:

5.7 ORGANISATION

5.7.1 Receiving / Hearing of Submissions

- Draft 2017-2021 Strathbogie Shire Council Plan (incorporating the 2017/2018 to 2021/2022 Strategic Resource Plan)

- Draft / 2017/2018 Strathbogie Shire Council Budget

Author & Department

Acting Director, Corporate and Liveability / Corporate and Liveability Directorate

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

Officers 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

The purpose of this report is to receive / hear submissions made under Section 223 of the Local Government Act 1989 ("The Act") in relation to the draft 2017-2021 Council Plan and draft 2017/2018 Budget.

The closing date for submissions was Tuesday 6 June 2017 at 5.00 p.m.

Thirty-seven submissions to the draft Council Plan were received, with eight submitters requesting to speak to their submissions. Ten submissions to the draft Budget were received, with four submitters requesting to speak to their submissions. Copies of all submissions have been distributed to Councillors for their information and are tabled for identification purposes.

RECOMMENDATION

That Council resolve to –

- 1. Receive and note the submissions in response to the public advertisement of the draft 2017-2021 Strathbogie Shire Council Plan and draft 2017/2018 Strathbogie Shire Council Budget.**
- 2. Hear those who wish to be heard in support of their written submissions.**
- 3. Formally consider all received submissions and the adoption of the 2017-2021 Strathbogie Shire Council Plan and 2017/2018 Strathbogie Shire Budget at a Special Council meeting to be held on Tuesday 27 June 2017 at the Euroa Community Conference Centre, commencing at 5.00 p.m.**

- 5.7.1 Receiving / Hearing of Submissions
- Draft 2017-2021 Strathbogie Shire Council Plan (incorporating the 2017/2018 to 2021/2022 Strategic Resource Plan)
- Draft 2017/2018 Strathbogie Shire Council Budget (cont.)

Background

The draft 2017-2021 Council Plan and proposed Budget were considered by Council at a Special Council Meeting held on Tuesday 2 May 2017. Subsequent to that meeting, public notice of the draft Council Plan and proposed Budget was given in local newspapers, calling for submissions under Section 223 of the Act. The draft Council Plan and proposed Budget were made available for inspection at various locations throughout the Shire and on Council's website. Submissions in writing were invited until 5.00 p.m. on Tuesday 6 June 2017.

Alternative Options

The processes undertaken in relation to the draft Council Plan and proposed Budget advertising, consideration of submissions and adoption are legislated under the Local Government Act 1989. There are no alternative options.

Risk Management

The author of this report 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. Specifically, the draft Council Plan and proposed Budget are prepared in the context of the Council Plan and Council's long term financial planning.

Best Value / National Competition Policy (NCP / Competition and Consumer Act 2010 (CCA) implications

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

Financial / Budgetary Implications

No financial implications have arisen from the draft Council Plan and Budget advertising process.

Economic Implications

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

Environmental / Amenity Implications

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

- 5.7.1 Receiving / Hearing of Submissions
- Draft 2017-2021 Strathbogie Shire Council Plan (incorporating the 2017/2018 to 2021/2022 Strategic Resource Plan)
- Draft 2017/2018 Strathbogie Shire Council Budget (cont.)

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 Local Government Act 1989 requires that Council give public notice of the preparation of the draft Council Plan and proposed Budget and invite submissions under Section 223 of the Act. The Act requires that Council must adopt the Budget by 30 June 2017, or such other date as fixed by the Minister.

Consultation

Council's proposed Council Plan and Budget have been on public exhibition for the statutory period of at least 28 days and submissions were invited from the community.

The 2017/2018 draft Budget provides funding allocations and support for nominated projects to proceed in both operational and capital works budgets, and, where appropriate, further community consultation will occur throughout the year specific to each project.

Attachments

Nil.

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