



## STRATHBOGIE SHIRE COUNCIL

Notice is hereby given that a Special Meeting of the Strathbogie Shire Council will be held on Tuesday 11 July 2017 at the Euroa Community Conference Centre commencing at 5.00 p.m.

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

<b>Officers:</b>	Steve Crawcour - Chief Executive Officer (CEO)
	Phil Howard - Director, Sustainable Development (DSD)
	Roy Hetherington - Director, Asset Services (DAS)
	David Roff - Director, Corporate and Liveability (DCL)

### **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
4. Disclosure of Interests
5. Petitions
6. Reports of Council Officers
  - 6.1 Climate Change
  - 6.2 Infrastructure
  - 6.3 Private Enterprise
  - 6.4 Public Institutions
  - 6.5 Housing and Recreation
  - 6.6 Tourism
  - 6.7 Organisation
7. Urgent Business

8. Closure of Meeting to the Public to consider matters listed for consideration in accordance with Section 89(2) of the Local Government Act 1989
9. Confirmation of 'Closed Portion' Decision/s

Steve Crawcour  
**CHIEF EXECUTIVE OFFICER**

6 July 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

**REPORTS INDEX**

<b>6.</b>	<b>REPORTS</b>	
<b>6.1</b>	<b>Climate Change</b>	
<b>6.2</b>	<b>Infrastructure</b>	
<b>6.3</b>	<b>Private Enterprise</b>	
<b>6.4</b>	<b>Public Institutions</b>	
<b>6.5</b>	<b>Housing and Recreation</b>	
<b>6.6</b>	<b>Tourism</b>	
<b>6.7</b>	<b>Organisation</b>	
6.7.1	Receiving / Hearing of Submissions - Lake Street, Nagambie ~ Fence and Public Gate	1
6.7.2	Documents for Signing and Sealing	9
<b>7.</b>	<b>URGENT BUSINESS</b>	
<b>8.</b>	<b>CLOSURE OF MEETING TO THE PUBLIC</b>	
<b>9.</b>	<b>CONFIRMATION OF 'CLOSED PORTION' DECISION/S</b>	

## **6. REPORTS**

### **6.7 GOVERNANCE**

#### **6.7.1 Receiving / Hearing of Submissions - Lake Street, Nagambie ~ Fence and Public Gate**

##### **Author and 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**

Council has advertised and invited submissions on the proposed fence and public gate required as a Goulburn-Murray Water (GMW) Jetty Licence renewal.

The advertised program included the hearing/receiving of submissions at this Special Council Meeting.

Thirteen submissions and one petition were received (refer attached submissions summary).

One submitter has requested to be heard.

##### **RECOMMENDATION**

**That Council, in relation to the proposed fence and public gate in Lake St resolve to: -**

- 1. Hear and receive submissions.**
- 2. Consider and determine submissions at the Ordinary Council meeting on 18 July 2017.**

##### **Background**

The owners of a private jetty, built part on submerged Crown Road and part submerged GMW freehold land, are making application to renew a GMW licence over the structure.

One of GMW's conditions to renew the licence is that the owners construct a fence and public gate to "discourage but not prohibit" public access to the foreshore, considered unsuitable for bathing.

This condition forms part of a GMW initiative to improve the standard of licenced foreshore structures and to address public risk along the foreshore.

6.7.1 Receiving / Hearing of Submissions  
- Lake Street, Nagambie ~ Fence and Public Gate (cont.)

Council staff, GMW staff and the jetty owners have been working for some years to reach agreement over the future of the jetty.

Plans for the proposed fence and gate are attached.

Council can give approval for the gate and fencing under its Local Government Act 1989 "power to place obstructions or barriers on a road permanently".

Prior to exercising its power, Council needed to obtain the approval of VicRoads and invite and consider submissions, all in accordance with Section 207, and Schedule 11 Clause 9 of the Local Government Act 1989.

The decisions of Council at the meeting of 21 March 2017 were:

1. *That Council authorise the giving of public notice of the intention to approve placement of a fence and public gate, under Section 207 and Schedule 11, Clause 9 of the Local Government Act 1989.*
2. *That Council invite submissions under Section 223 of the Local Government Act 1989, to be heard by Council at a Special Council meeting to be held at 5.00pm on Tuesday 23 May 2017.*
3. *That, if no submissions are received, Council will proceed with approval of the placement of the fence and public gate.*

Initially the timelines for the public notice and hearing and consideration of submissions was to be as follows: -

- a. Public notice 3 May 2017 - Euroa Gazette
- b. Submission due date – 31 May 2017
- c. Hearing/receiving of submissions – Special Council Meeting, 5pm 23 May 2017

Due to missing the Nagambie Community Voice publication deadline, it was proposed to re-advertise and reschedule; dates as follows: -

- a. Public notice 24 May 2017 – Euroa Gazette & Nagambie Community Voice
- b. Submission due date – 23 June 2017
- c. Hearing/receiving of submissions – Special Council Meeting, 5pm 11 July 2017
- d. Consideration of submissions – Ordinary Council Meeting 18 July 2017

Residents were advised by mail of the new dates.

VicRoads was sent a copy of the Public Notice on 1 May 2017.

Councillors have been provided with all responses under separate cover.

**Alternative Options**

The author has considered potential alternative courses of action. No feasible alternatives have been identified.

6.7.1 Receiving / Hearing of Submissions  
- Lake Street, Nagambie ~ Fence and Public Gate (cont.)

**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 / 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 author of this report considers there are no further capital and recurrent budget considerations relating to the recommendation.

**Economic Implications**

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

**Environmental / Amenity**

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

**Community Implications**

The author of this report considers that the recommendation does not have any special 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**

The author of this report considers that the recommendation has no legal or statutory implications which require the consideration of Council.

**Consultation**

Consultation is considered to have been undertaken as part of the Section 223 process.

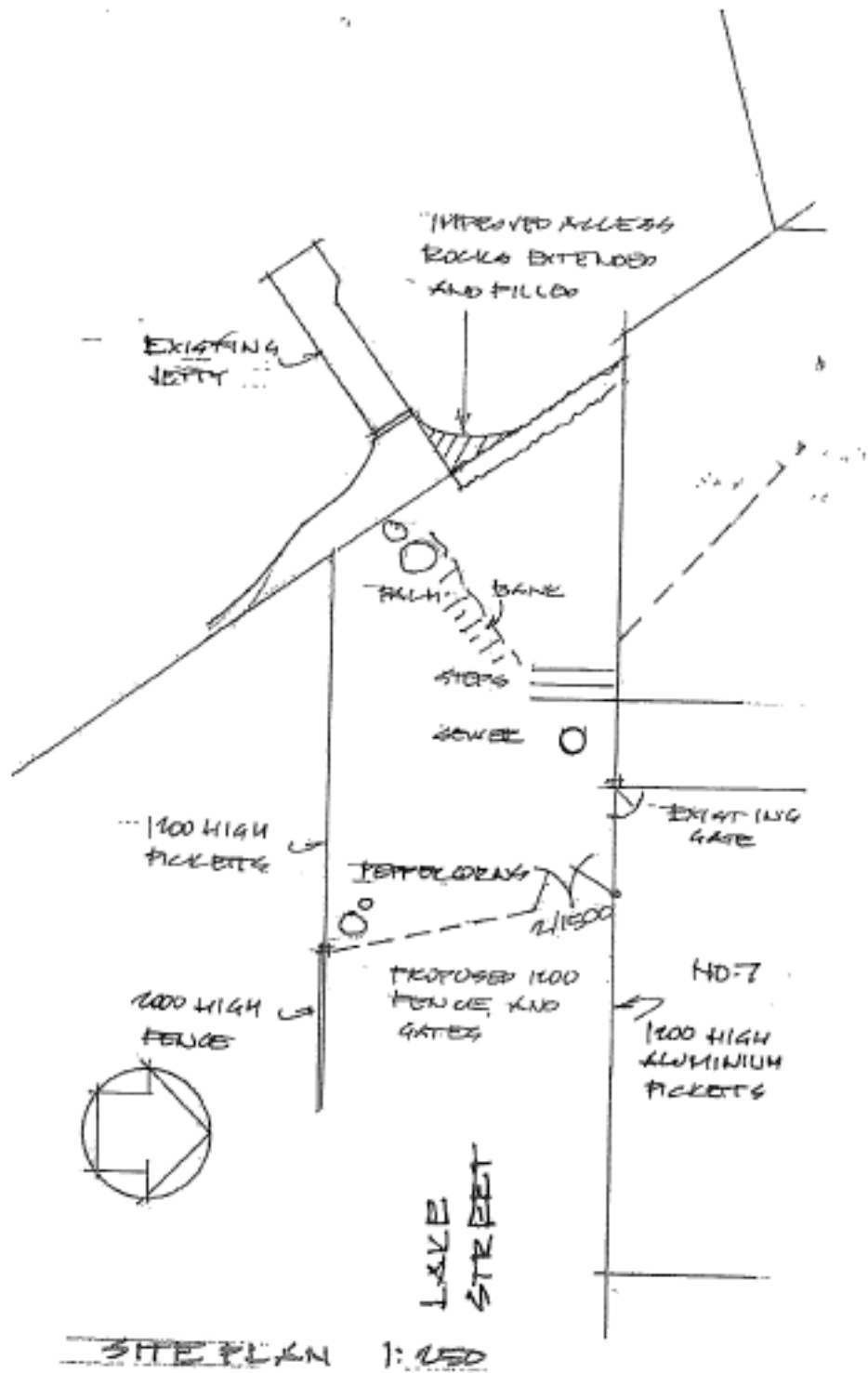
**Attachments**

- Submissions Summary
- Plan of proposed fence and gate
- Location maps

**Tabled Document/s**

Petition - Objection to fence and public gate signed by 320 residents and/or users of Lake Nagambie.

<b>Lake Street Fence &amp; Public Gate- Submissions</b>		
<b>Received</b>	<b>Submission No.</b>	<b>Submission Summary</b>
9th May	1	No stated objection to fence and public gate. Opposes granting of the jetty licence.
10th May	2	<b>Objection to fence and public gate.</b> The jetty should be public (not private), as it is on public land. There is no fencing to other public jettys. Could applicant claim adverse possession of land after 15 years due to the existence of the fence?
11th May	3	<b>Objection to fence and public gate.</b> Supportive of the jetty but not the fence.
17th May	4	<b>Objection to fence and public gate.</b> It is a public area for people to access Lake Nagambie. The fence would imply that it is a private area. The fence would limit areas for parking. Possible restriction to access rear of 9 Young St. Fence would restrict access of fire trucks to the lake edge (no Fire Plugs in Lake St). The fencing would benefit the owners of one property and the jetty should be available for all to use.
24th May	5	<b>Objection to fence and public gate.</b> It would create a fire risk, preventing access for fire trucks. Jetty and area should remain common access.
30th May	6	<b>Objection to fence and gate:</b> Inaccurate description of location of fence and gate in notice. Inhibiting access to lake shore for CFA and emergency vehicles. Obstacle to foreshore walkway past Bryde St. Lack of clarity as to who would bear costs of fence and gate.
2nd June	7	<b>Objects to "restricted access".</b>
7th June	8	<b>Objection to fence and public gate.</b> Setting a precedent. The area should be public.
9th June	9	<b>Objection to fence and public gate.</b> It would give impression that area is private when it is not. Residents are losing too many open spaces around Nagambie.
19th June	10	<b>Objection to fence and public gate.</b> Points listed under headings: - Inadequate information provided to public. Unclear project objectives. Will negatively impact (adjacent) homeowners.
21st June	11	<b>Petition - Objection to fence and public gate</b> signed by 320 residents and/or users of Lake Nagambie.
23rd June	12	Providing history and suggesting an alternative, i.e., a gate on the jetty.
23rd June	13	<b>Objection to fence and public gate.</b> Fence would be an eyesore and discourage public use of the lake.
25th June	14	<b>Objection to fence and public gate.</b> Discriminates against people with disabilities, making access more difficult.







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### Product Information

<b>Material:</b>	Wire
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<b>Quality:</b>	Meets Australian Standard AS2423 - Coated Steel Wire, Fencing Products for Terrestrial Aquatic and General Use
<b>Finishes:</b>	Galvanised, Powdercoated, LifeMax™ and Hot Dipped Galvanised
<b>Design options:</b>	Roll top <del>and bottom</del>
<b>Accessories and fittings:</b>	Optional extras include: post caps, tek screws, latches and hinges, gate fitting packs, touch up paint and much more

#### Need a quote or more information?

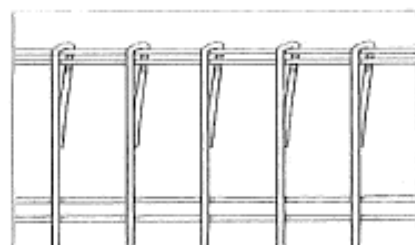
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Please Note: Garden is not currently available in QLD and WA

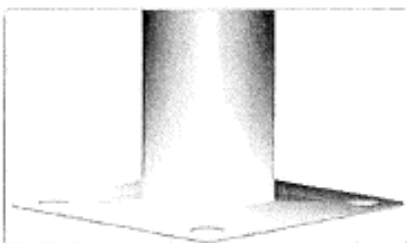
#### Standard Sizes



PANEL HEIGHT (MM)	From 910 - 1810
PANEL WIDTH (MM)	2400
VERTICAL WIRE DIAMETER	5mm
HORIZONTAL WIRE DIAMETER	5mm
WIRE SPACING (MM)	50 x 150

\*Options may vary from State to State view full specs

#### Posts



INGROUND POST HEIGHT (MM)	From 1500 to 2500
FLANGED POST HEIGHTS (MM)	From 1000 to 2000
STANDARD POSTS SPECS (MM)	50 x 50 x 1.6





### **6.7.2 Documents for Signing and Sealing**

Documents are submitted for Council signing and sealing.

The details are as follows and are also included in Council's Seal Register:-

<b>DOCUMENT DESCRIPTION</b>	<b>NO. OF COPIES</b>
Lease: Between Strathbogie Shire Council and AusNet Electricity Services Pty Ltd for 'the construction and commissioning of an electrical substation' - Property: Kirkland Avenue, Euroa	2

#### **RECOMMENDATION**

**That the Documents be signed and affixed with the Common Seal of Strathbogie Shire Council.**

- 7. URGENT BUSINESS**
- 8. CLOSURE OF MEETING TO THE PUBLIC TO CONSIDER MATTERS LISTED FOR CONSIDERATION IN ACCORDANCE WITH SECTION 89(2) OF THE LOCAL GOVERNMENT ACT 1989**
- 9. CONFIRMATION OF 'CLOSED PORTION' DECISION/S**

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