



**STRATHBOGIE SHIRE COUNCIL**

**MINUTES OF A SPECIAL MEETING OF THE STRATHBOGIE SHIRE COUNCIL HELD  
ON TUESDAY 8 AUGUST 2017 AT THE EUROA COMMUNITY CONFERENCE  
CENTRE COMMENCING AT 5.00 P.M.**

**Councillors:**

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)

**Officers:**

David Roff - Director, Corporate and Liveability (DCL)
Roy Hetherington - Director, Asset Services (DAS)

**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  

Steve Crawcour - Chief Executive Officer (CEO)  
Phil Howard - Acting Chief Executive Officer (ACEO)
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

A handwritten scribble or signature in the bottom right corner of the page.

9. Confirmation of 'Closed Portion' Decision/s

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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## 6. REPORTS

### 6.7 ORGANISATION

#### 6.7.1 Issuing of Drainage Notice under Section 200(1) of the Local Government Act 1989

##### **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 proposed to issue drainage notices to a group of landowners along a floodway at Bell Street, Euroa, and has invited submissions in relation to the drainage notices.

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

Two submissions were received, which are attached.

One submitter has requested to be heard.

##### **RECOMMENDATION**

**That Council, in relation to the proposed drainage notices at Bell Street, Euroa, resolve to: -**

- 1. Hear and receive submissions**
- 2. Consider and determine submissions at the Ordinary Council meeting on 15 August 2017.**

*21/17 CRS LITTLE./MASON : That the Recommendation be adopted.*

**CARRIED**

##### **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.

#### 6.7.1 Issuing of Drainage Notice under Section 200(1) of the Local Government Act 1989 (cont.)

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 Councils cost.

That offer had not been taken up by the landowners at the time when Council formally resolved to issue drainage notices (13<sup>th</sup> June 2017).

Since that time one landowner directly affected has requested minor amendments to the drawings, which have been made. Subsequently the landowner has advised that he is happy and consents to the proposal. The amendments do not affect any of the works proposals on other properties.

The timeline proposed to resolve the drainage problem is as follows: -

13 June – Council resolution to propose drainage notices

21 June – Public Notice under section 223 regarding proposed drainage notices

21 July – Closing date for submissions

8 August – Hearing/receiving of submissions

15 August – Council consideration

16 August – Potential issuing of notices

30 September – Completion of works by landowners

Post 30 September – Completion of remaining works by Council

#### **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 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.

6.7.1 Issuing of Drainage Notice under Section 200(1) of the Local Government Act 1989 (cont.)

**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. Some additional cost can be expected in addressing landowners special works requests. 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.

**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 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**

Council is utilizing 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.***

6.7.1 Issuing of Drainage Notice under Section 200(1) of the Local Government Act 1989 (cont.)

**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**

- Submissions
- Revised drainage drawings GMR 16014.02 and 16014.03 (11/07/2017)



21<sup>st</sup> June, 2017

Mr Roy Hetherington, Director Asset Services  
Strathbogie Shire  
PO Box 177,  
Euroa, Vic. 3666



Dear Sir,

I am writing to you in response to your letter dated 14/06/2017 Re: Bell Street Drainage and Floodway Restoration Project and Notice Pursuant to section 200(1) of the local government Act 1989, drainage of land, I object unconditionally to an open spoon drain through my property. My reasons are, that the lady in Peppercorn Estate was required by the Shire to put a pipe through her property to carry the flow of water from my property and beyond. I would not like to think in this current modern times that an open spoon drain of this extent would be safe at times of severe flooding due to the fact that a child or an elderly person could accidentally fall and maybe get swept away. Also upon purchasing these blocks of land numbers 8 & 10 that my brother and sister-in-law purchased, they purchased the blocks as future investment properties, however due to the ongoing dramas in regard to shire meetings held at these blocks with their management and staff, nothing could be agreed upon, therefore forcing my brother and sister-in-law to sell for less than value of the properties, due to the unco-operation from the shire in regard to the water problems. I purchased number 12 to retire here and to have as my investment fund for my retirement.

Thus, when purchasing these blocks, we were not advised by the real estate agent, nor the shire that there was a flood problem with these blocks of land. Since then every year from purchase, I have had water through my shed every year which has damaged a lot of my tools and equipment which I take great pride in. Also these blocks all had a clean title with no encumbrances or easements through these blocks. By putting an 8 meter easement through my property it reduces the size of my property, the value of my property which would restrict the value of the sale of my property.



(2)

If the shire would like to sit down and discuss with me, the continuation of the pipe from Peppercorn Estate through to Mawson's property boundary, therefore starting the spoon drain outside my boundary, which would allow any flood waters that built up higher, could spread out over Mr Mawson's property as it does now, instead of spreading out over our residential property and flooding us and beyond. By putting the spoon drain through it would be detrimental to my property and the adjoining properties, as it would wash sheep and cow manure into the open drain which is a good breeding ground for flies and mosquitoes. I do have it on good authority that by putting in the pipeline it would be at no extra cost as to having an open spoon drain put in.

Thank you for taking the time to read my concerns. Please feel free to contact me to make an appointment to discuss this matter further on 0448009083.

Yours sincerely,

Garry Biddle

12 Bell Street, Euroa. 3666



21-07-17.	SHIRE OF STRATHBOGIE
	Doc. Id:   127
	21 JUL 2017
Mr Steve Crawcour CEO	File to:
Strathbogie Shire Council	Library:   127
Bell St Euroa VIC 3666	

Dear Mr Crawcour,

Re: Bell St, Euroa - Drainage works.

In relation to the drainage works to be carried out, to the above mentioned area.

I, Thomas C. Maher are in objection of the Council's decision on Bell Street drainage.

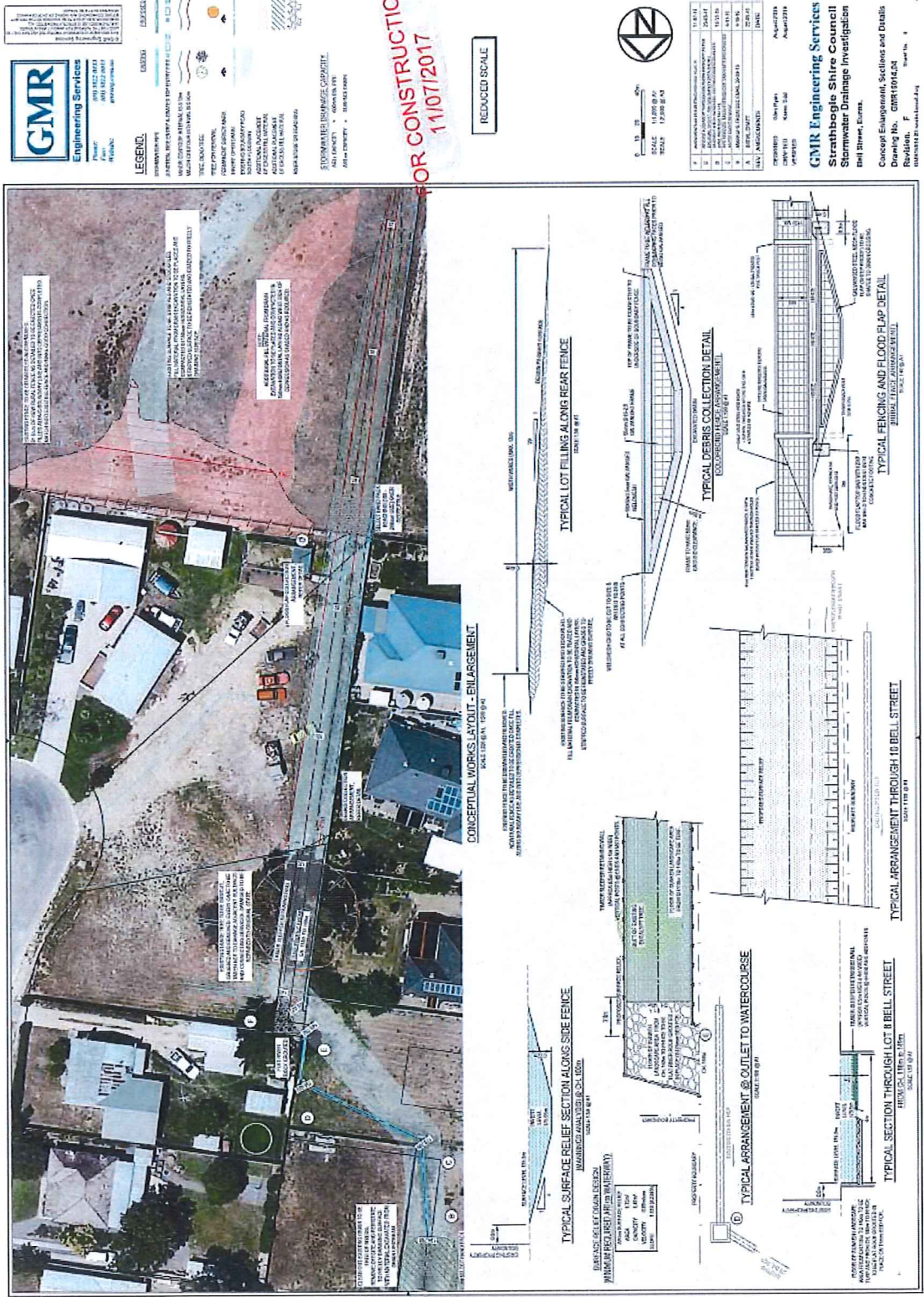
I would like to ask for time to be heard in support of my submission on 8<sup>th</sup> August, 2017 and will table further material.

Yours sincerely,



T.C. Maher  
'BARNONG'  
BALMATTUM. VIC. 3666  
57.953126





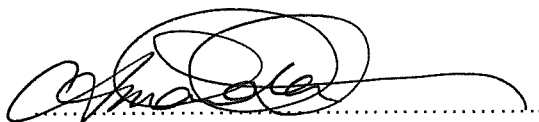




7. URGENT BUSINESS
8. CLOSURE OF MEETING TO THE PUBLIC TO CONSIDER MATTERS LISTED FOR CONSIDERATION IN ACCORDANCE WITH SECTION 89(2) OF THE LOCAL GOVERNMENT ACT 1989
9. CONFIRMATION OF 'CLOSED PORTION' DECISION/S

***THERE BEING NO FURTHER BUSINESS, THE MEETING CLOSED AT 5.11 P.M.***

Confirmed as being a true and accurate record of the Meeting

  
.....  
Chair

*19.09.2017*  
.....  
Date

