



STRATHBOGRIE SHIRE COUNCIL

MINUTES OF A SPECIAL MEETING OF THE STRATHBOGRIE SHIRE COUNCIL HELD ON WEDNESDAY 6 NOVEMBER 2019 AT THE EUROA COMMUNITY CONFERENCE CENTRE COMMENCING AT 5.00 P.M.

Chair:	Amanda McClaren (Mayor)	(Lake Nagambie Ward)
Councillors:	Debra Bower	(Lake Nagambie Ward)
	Malcolm Little	(Hughes Creek Ward)
	John Mason	(Seven Creeks Ward)
	Kate Stothers	(Honeysuckle Creek Ward)
		(attended meeting at 5.03 p.m.)
	Alistair Thomson	(Mount Wombat Ward)
	Graeme (Mick) Williams	(Seven Creeks Ward)
Officers:	Phil Howard	Acting Chief Executive Officer (ACEO)
	David Roff	Group Manager, Corporate and Community (GMCC)
	Jeff Saker	Group Manager, Community Assets (GMCA)
	Emma Kubeil	Acting Group Manager, Innovation and Performance (AGMIP)

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
Nil.
4. Disclosure of Interests
Nil.
5. Petitions
Nil.

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

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. Other 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

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

Council does not generally permit individuals to make audio recordings of meetings. Individuals are required to make a written request addressed to the Council (Group Manager, Corporate & Community) should they seek to obtain permission to do so.



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6. REPORTS

6.7.1 ORGANISATION

6.7.1 Australian Government Drought Communities Programme - Progress Report ~ Drought Communities Program Submission

Author and Department

Economic Development and Projects Officer / Corporate and Community

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

On 27 September 2019, the Federal Government announced the Strathbogie Shire is eligible to apply for up to \$1 million in Funding under an Extension of the Drought Community Program which is administered by the Department of Industry Innovation and Science. The Responsible Minister is the Hon Karen Andrews.

The Funding is in the form of a non-competitive Grant. The objectives of the program are to deliver support to targeted drought-affected regions of Australia by funding:

- Local community infrastructure and other drought relief projects.
- Funding will target infrastructure and other projects that:
- Provide employment for people whose work opportunities have been impacted by drought stimulate local community spending
- Use local resources, businesses and suppliers
- Provide a long-lasting benefit to communities and the agricultural industries on which they depend.

The funding is subject to an Eligibility Criteria with all submissions to be made before 1 June 2020 and all works completed by 30 June 2020.

On 15 October 2019, Council selected the following projects for further scoping and costing -

1. Summer employment program repairing, improving and creating new walking trails e.g. Seven Creeks track in Strathbogie, Ruffy Snow Gum track, Hughes Creek at Tarcombe, Polly McQuinns to Gooram Falls, there will be more in the other wards Kirwans Bridge to Nagambie. Would need a DELWP partnership. Creek Drive along Kennedy to Weir Street, connectivity Apex Walking Track to Balmattum Hill track
2. Temporary splash Park Nagambie
3. Footpath Rehabilitation and street including Creek Drive along Kennedy to Weir Street Euroa

6.7.1 Australian Government Drought Communities Programme
- Progress Report ~ Drought Communities Program Submission (cont.)

4. Bore and storage tanks plus pump shed power to all our towns. Violet Town, Strathbogie, Longwood, Graytown, Avenel, Ruffy possible new standpipes to allow access to water
5. Upgrading Avenel Tennis Club Clubrooms

The progress of these projects is demonstrated in the attached spreadsheet

In addition, the following further suggestions have been made by council staff for Council consideration -

6. Installation of more water tanks and further rooftop harvesting at the Euroa Sale yards
7. Partnering with Land Care Groups to deliver weed control training to farmers
8. Directing funding to setting up facilities to utilize recycled water to irrigate Parks and sporting fields in Euroa

Consultation with the Department and reference to the eligibility Criteria indicates that has revealed that suggestion 7 would be unlikely to succeed as there are other grant programs available to provide this training and the Economic stimulus would be limited.

Suggestion 8 would also be very unlikely to succeed as there are a significant number of studies and investigations that have to be carried out before any works could be undertaken (studies and investigations are ineligible activities under the grant guidelines) and the project would be unlikely to be completed by 30 June 2020.

The grant Application must be submitted through an online Portal. Despite several enquiries as at 1 November 2019 Strathbogie Shire has not been granted access to the portal and the application process. The Department advises that this access will be granted "soon".

RECOMMENDATION

1. **That Council direct the Economic Development and Project Officer to continue the scoping work and costing of the selected projects, as per the attached spreadsheet.**
2. **That Council, upon completion of the scoping works for the Euroa Saleyards works, consider adding this project to the grant application, by delegation approval by the Acting Chief Executive Officer, in consultation with Councillors.**

6.7.1 Australian Government Drought Communities Programme
- Progress Report ~ Drought Communities Program Submission (cont.)

CRS MASON/LITTLE –

Amendment:

1. That Council direct the Economic Development and Project Officer to continue the scoping work and costing of the selected projects, as per the attached spreadsheet, and authorize Council officers to make a submission to Federal Government for \$1million.
2. That Council, upon completion of the scoping works for the Euroa Saleyards works, consider adding this project to the grant application, by delegation approval by the Acting Chief Executive Officer, in consultation with Councillors.

60/19 *ON BEING PUT, THE AMENDMENT BECAME THE MOTION*

61/19 *ON BEING PUT, THE MOTION WAS CARRIED*

Alternative Options

The author and other officers providing advice in relation to this report have considered potential alternative courses of action. No feasible alternatives have been identified.

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

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

Projects will be funded by the \$1million allocation by the Federal Government.

However, the purchase and installation of a floating splash park on Lake Nagambie will involve significant recurrent cost into the future however it is anticipated that entrance / use fees will meet these expenses including funding of upgrades of module replacement.

6.7.1 Australian Government Drought Communities Programme
- Progress Report ~ Drought Communities Program Submission (cont.)

Economic Implications

It is believed that implementation of the selected projects will have a significant and positive effect on the local economy

Environmental / Amenity Implications

The projects will provide significant community amenity improvements.

Community Implications

The funding has been allocated to Strathbogie Shire Council to improve community wellbeing in time of drought.

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.

Community Engagement

The author of this report considers that the matter under consideration warrants a community engagement process and is working with community engagement officers to develop suitable communications strategy. It is anticipated that the Program guidelines and time lines will need to be clearly explained to the community.

Attachments

- Project Progress spreadsheet

Drought projects	Complete by June 2020	Eligible Y/N	Local employment	Contribute to Economic activity	Retention of business services facilities	Projected Cost	Notes
Summer employment program repairing, improving and creating new walking trails e.g. Seven Creeks track in Strathbogrie, Ruffy Snow Gum track, Hughes Creek at Tarcombe, Polly McQuinn's to Goomram Falls, there will be more in the other wards, Kirwans Bridge to Nagambie. Would need a DELWP partnership. Creek Drive along Kennedy to Weir Street, connectivity Apex Walking Track to Balmattum Hill track	3	3	3	3	2	\$ 200,000.00	CMA funding to assist with employment program on tracks and trails. Confirmed that funding may be combined however other external agencies control some assets. CMA are employing through an agency. Would be preferable to employ direct. Spoken with GBCMA who are advertising through an agency with an expectation that they will have "boots on the ground" in Early December./CMA officer has agreed to collaborate and says that CEO will contact Council CEO direct. Contractor has been employed to consult on works. Volunteers assisting with scoping tracks/ works needed
Water play facility - Nagambie	3	3	3	3	2	\$ 100,000.00	Initial scoping indicated that project would be compatible with a land based splash park and either cost neutral or would generate revenue. Unable to Hire Have obtained purchase quotations from one New Zealand Based company still pursuing further quotes. Making enquiry with GM Water and GV Water regarding water way management and possible environmental foot print. Can be installed using local labour
Footpath Rehabilitation towns including Creek Drive along Kennedy to Weir street	3	3	3	3	1	\$ 600,000.00	Scoping works for Europa pathways have been completed
Bore and storage tanks plus pump shed power to all our towns. VT, Strathbogrie, Longwood, Graytown, Avenel, Ruffy	2	3	3	2	1	\$ 50,000.00	Drought proofing & Fire Fighting Not scoped will involve external agencies permits and yearly fees
Upgrading Avenel Tennis Club Clubrooms						\$ 50,000.00	DELWP confirm Ownership and have provided contact details for committed of Management Building Report by Councils Inspector confirms that the Building can be renovated and has provided a basic scope of works. Pursuing contact with committed of Management and Quotations for renovation
Saleyards	3	3	3	3	3		Possible smaller up grade Manager Operations is Scoping

6.7.2 Proposed Road Deviation at Dip Lane, Balmattum - Receiving / Hearing of Submissions

Author and Department

Group Manager, Community Assets / Community Assets Department

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

At the Ordinary Council meeting on 17 September 2019, Council resolved to undertake a Section 223 submissions process calling for submissions in relation to a proposed road deviation process be undertaken to provide legal access to the recently upgraded bridge over Faithful Creek at the end of Dip Lane, Balmattum.

Submissions closed on 23 October 2019. Two submissions regarding the proposal have been received (refer Attachment A), with one submitter requesting to be heard in support of their written submission.

RECOMMENDATIONS

That Council resolves to -

- 1. Receive and note the submissions received in response to the public advertising of the proposed road deviation process at Dip Lane, Balmattum.**
- 2. Hear those who wish to be heard in support of their written submissions.**
- 3. Formally consider all received submissions and the proposed road deviation at Dip Lane Balmattum at the Ordinary Meeting of Strathbogie Shire Council to be held on Tuesday 19 November 2019.**

62/19 CRS BOWER/THOMSON : That the Recommendation be adopted.

CARRIED

Background

Council's recent bridge upgrade program included the replacement of bridge No.142 on Dip Lane in 2017-18 and the re-decking of bridge No.143 on Dip Lane which was completed in 2018-19.

Bridge No.143 across Faithful Creek provides the only legal access to Lot 3 LP117170. It also provides access to Lot 2 LP122627. The owner of this lot owns property on both sides of Faithful Creek.

The road reserve on the approach to bridge No. 143 is not aligned to the location of the existing bridge. (refer attachment A)

6.7.2 Proposed Road Deviation at Dip Lane, Balmattum
- Receiving / Hearing of Submissions (cont.)

Information provided by DELWP indicates that subdivision of the land in 1978 required the developer to construct a bridge (Bridge No. 143) and to construct the approach road. The formal road was never constructed and practical access to the bridge has been gained by a track across private property.

In conjunction with the bridge renewal works it has been the intention to formalise the legal access by a road deviation. Consultation with the affected owners has been carried out over a period of time and they are supportive of the proposed deviation.

Surveyors were engaged to prepare the road deviation plan which shows the area of road to be acquired by agreement (R1) from Lot 10 on TP944922 and the area of unused road to be transferred to the adjoining owner.

The plan (refer Attachment B) shows the area of unused road to be closed (cross hatched) and the area of road to be opened (hatched).

The provisions of the *Local Government Act 1989* Section 207B, Schedule 10, Clause 2 support the proposal.

The proposed road deviation involved a *Local Government Act 1989* Section 223 exhibition process which has now been completed.

Two written submissions have been received with one submitter requesting to be heard at the Hearing of Submissions on 12 November 2019.

Alternative Options

The author and other officers providing advice in relation to this report have considered potential alternative courses of action. No feasible alternatives have been identified.

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.

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 that the recommendation has no capital or recurrent budget considerations.

6.7.2 Proposed Road Deviation at Dip Lane, Balmattum
- Receiving / Hearing of Submissions (cont.)

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.

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

Consultation

The proposed Section 223 process has provided an opportunity for the community to consider the matter and respond to Council.

Attachments

- Attachment A - Submissions



Attachment A

Submission No. 1

23rd October, 2019

Mr Phil Howard
Acting Chief Executive Officer
Strathbogie Shire Council
P.O. Box 177
Euroa VIC 3666

Dear Mr Howard,

Re: Objection – Road Deviation – Dip Lane Balmattum/Kithbrook

I strongly object to the proposed deviation of the road in this matter and the opening of a new part of the road.

- The bridge No 143 is still accessible of the unused road therefore there is no reason to waste councils time and ratepayers monies on the project.
- This bridge is on “Public Purposes Reserve” P162046 therefore there is no reason to change existing road reserves.
- If this proposal is successful and passed by council this will open other opportunities for many other roads to be transferred to the adjoining registered landowners. This will set a precinct for any future applications in the Strathbogie Shire, which will very costly to the Shire.

I would appreciate some time allocated to address council on this objection matter.

Submission No. 2

23rd October, 2019

Mr Phil Howard
Acting Chief Executive Officer
Strathbogie Shire Council
P.O. Box 177
Euroa VIC 3666

Dear Mr Howard,

Re: Objection – Road Deviation – Dip Lane Balmattum/Kithbrook

I strongly object to the proposed deviation of the road in this matter and the opening of a new part of the road.

- There is already access on the unused road to the bridge and the financial burden to more costs for Ratepayers to and a gain to the land owner.
- Where is this expenditure going to put against in the Budget ???
Road Maintenance maybe when there are many other roads that have received zero works in the past 10 years plus.
- What is the Estimated cost for this project if is passed??
- Is the council aware that this application 'Road Deviation' in the Shire and that if this is passed you will be expected to pass future applications that are put forward?



7. OTHER BUSINESS

The Mayor advised that an unlisted item of business in relation to Council's preferred Chief Executive Officer candidate was proposed for consideration at this Special Meeting, however, the matter could only be considered and determined provided that all Councillors were present and unanimously agreed.

The Mayor also indicated that the item for consideration was a confidential matter, therefore, to enable due discussions, the meeting would be closed to the public.

It is noted that all Councillors agreed to consider the item pertaining to Council's preferred Chief Executive Officer candidate.

The Mayor advised that Council would proceed to consider the matter.

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

5.12 p.m.

CRS BOWER/WILLIAMS –

That Council, in conformance with Section 89(2) of the Local Government Act 1989, resolve to close the meeting to members of the public for the purpose of considering items relating to:-

- **Ground(s) under section 89(2):**
89(2)(a) *Personnel Matters*

C.P. 1 Further consideration to finalise the preferred candidate and commence negotiations for the position of Chief Executive Officer

63/19

ON BEING PUT, THE MOTION WAS CARRIED

Note:

The GMCC, GMCA and AGMIP left the meeting and did not return.

The Executive HR Business Partner attended the meeting until its conclusion.

5.19 p.m.

CRS WILLIAMS/LITTLE -

That Council open the meeting to members of the public and resume normal business.

66/19

ON BEING PUT, THE MOTION WAS CARRIED

8. CONFIRMATION OF 'CLOSED PORTION' DECISION/S

Closed Portion Decision/s

C.P. 1 Further consideration to finalise the preferred candidate and commence negotiations for the position of Chief Executive Officer

Due to Item C.P. 1 in the Closed Portion of the meeting being related to 'Personnel Matters' (under Section 89(2)(a) of the Local Government Act 1989), which require further negotiation, details of the Recommendation considered and determined will not be recorded in the public component of the meeting.

RECOMMENDATION

CRS BOWER/MASON -

That the decision/s of Council's 'Closed Portion' considerations be confirmed.

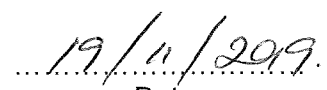
67/19

ON BEING PUT, THE MOTION WAS CARRIED

THERE BEING NO FURTHER BUSINESS, THE MEETING CLOSED AT 5.21 P.M.

Confirmed as being a true and accurate record of the Meeting


Chair


Date

Q