

STRATHBOGRIE SHIRE COUNCIL



Notice is hereby given that a Special Meeting of the Strathbogrie Shire Council will be held on Tuesday 27 May 2014 at the Euroa Community Conference Centre commencing at 5.00 p.m.

Councillors: To be elected (Chair)
Malcolm Little
Patrick Storer
Robin Weatherald
Graeme (Mick) Williams

Officers: Steve Crawcour - Chief Executive Officer
Roy Hetherington - Director, Asset Services
David Woodhams – Director, Corporate and Community
Phil Howard – Director, Sustainable Development

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 Colleen Furlanetto
Councillor Alister Purbrick
4. Disclosure of Interests

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



Steve Crawcour
CHIEF EXECUTIVE OFFICER

23 May 2014

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5. REPORTS

5.2 INFRASTRUCTURE

5.2.1 Proposed Sale of Unused Road Reserve on Horseshoe Bend Lane and Euroa Strathbogie Road, Kelvin View

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

The purpose of this report is to receive submissions made under Section 223 of the Local Government Act in relation to the sale of Unused Road Reserve on Horseshoe Bend Lane and Euroa Strathbogie Road, Kelvin View, and to hear any submitters who wished to speak to their submission.

Background

Following Council's decision of April 15, 2014 to give public notice of intention to discontinue the road and sell the land, at valuation, to the adjoining owner, submissions were invited, with a closing date of Tuesday May 20, 2014 at 5.00pm.

Eleven submissions were received.

The matters identified by the submitters include:

- Effect on sheep droving activity
- Existing environmental damage
- Past planning controls
- Existence of specific wildlife
- Existence of significant vegetation
- Existing activity on the land
- Request for opportunity to buy the land
- Historic value of the land
- Glare from windows
- Road safety issues

Three of the submitters have asked to be heard.

RECOMMENDATION

That Council receive the submissions and consider them at the Ordinary Council meeting of June 17, 2014.

5.2.1 Proposed Sale of Unused Road Reserve on Horseshoe Bend Lane and Euroa Strathbogrie Road, Kelvin View (cont.)

Alternative Options

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

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 implications

The author of this report considers that the report is consistent with Best Value, National Competition Policy and Competition and Consumer Act 2010 requirements.

Financial / Budgetary Implications

The proposed sale has not been specifically included in the 2013/14 budget program. An independent valuation of the land has not been undertaken.

Economic Implications

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

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

Consultation

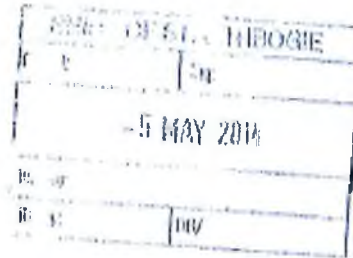
The author of this report considers that consultation via the Section 223 process is appropriate for the matter under consideration.

Attachments

Correspondence from submitters and other relevant correspondence.

Submission No. 1

22nd April 2014



Attention: Strathbogie Shire Council

I am writing to you in regards to 25 Horseshoe bend lane Kelvin View 3666.

I have been told that the owner is looking to expand his property by purchasing council land.


I just want the council to be aware that when I was younger and lived in Kelvin View I used to find bilbies and vaster gales on the property the owner is trying to purchase.

I believe the council should reconsider selling the land due to those animals being found on the property.

Kind Regards

Nina Armstrong

Po Box 118 Euroa Vic 3666


3/8 Railway St
Shepparton
Vic 3630

Submission No. 2

14-5-2014

(? DISSECTION)

Proposed Site of unweal Road Reserve on
Horse shoe Bend Lane and Eurus Strathbogie Rd
Return Drive.

First!

Eurus/Strathbogie Rd Piece of Land.

① A Surveyed Line on the Edge of a
Title of Land is the Only Place for a
Fence to Be Erected and No Where Else.

② The Saining Land Holder has stripped Land
of Trees, Shrubs Etc. Disturbed ground put an
Illegal Fence up, Then wants to buy it. No respect
what so ever for the Environment.

③ I received a letter from the shire a
Mr Ray Hetherington (Director asset Services) telling
me that the Fence has to be put on the Council
line. That was dated 5th Dec 2013. Why has nothing
been Done?

If this piece of land is sold then I
will be seeking more advice on this matter

④ It looks like Sewage and gas circulation
pipe lines are out on Council land. This will not
be known properly until it is re-surveyed

⑤ Why cant I get the chance to buy
this Land?

⑥ When this Land Holder has other

②

issues with Council.

Why must These Addressed First?

Horse shoe bend Lane RESERVE

I object to this being Sold because of Heritage Value this How. It sold thru by Auction to get the true value not handed over for small price

①

Original Road to Strathbogie runs through this land. It is listed in The History of Kelvin View and The history of Strathbogie. Why lose a piece of History?

②

Wild life value is important we must all help to Preserve it. Bilby's, Qualls, Phascogale's, Sugar Gliders ringtailed possums, silver grey possums and many more smaller rodents, Koalas etc. Not to count the many types of Birds, that can be found on this Reserve of land along with many kinds of Butterflies. Bus loads from time to time come from Melbourne to see the Birds etc.

③

Why should this Land Owner, who seems to have no Respect for Nature be sold this land. Further more his construction is part built on Shire Ground (No wonder he wants the land)

④

I'm asking the Shire to Think Very Carefully about these Matters

Thanking You
MURIEL R. DASH

Submission No. 3

B.A.Pimlott
3 Gobur street
Euroa, 3666
0427 905 208

Strathbogie Shire council,
Att'n Christine Washusen

To Cristine

Re : Proposed sale of the unused road reserve on Horse Bend road
and Euroa- Strathbogie road.

The adjoining landowner has already placed buildings on the top land, and the front land the septic run off, swimming pool, retaining wall, pumps and back washing pipes are all on our council land and the fencing is on the wrong line. He's taken old native timber and bush and cleared the land to run his stock on the land and got no regard for the land and the environment that he and his family are living on.

To sell the land to the adjoining landowner with out strict control over the natural bush and history and the nature corridor that the wildlife has right of way, it should have a proviso to protect this area now and in the future.

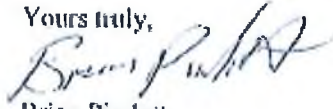
If what you are saying is to sell this land to make it more appealing to the future buyers or is it to make up the wrongs that the adjoining landowner has done and the shire has not addressed at the time that the building and works were going on.

Where was the planning permit rules and condition when this building works on our, public land been enforced and by who's authority was this passed, or do the rules only work when it suits.

I would like to have the opportunity to make a bid to the buying of the land to protect it from the adjoining landowner lack of regard for the environment care. Unless the adjoining landowner pays a fair price and after making enquires with the local real estate agents of approximately 30,000 to 40,000 dollars, which would be cheap compared with the removal of the sheds, pool pumps, septic run off, relocation of the fences and to restore the land to it's formal condition.

I will make myself available to attend the meetings when the matter will be discussed.

Page 1 of 2

Yours truly,

Brian Pimlott

Cc Steve Crawcour

Page 2 of 2

Submission No 4

(1)

6.5.2014

Objection for side road reserve
& these trees stand alone.

When we first moved up to Kyalpa Park, there were lots of small amounts such as against slides, slides, porcupines, possums and small billies. There are some still here and are here and on the reserve that is coming up the side. There are red robins, the willow whistlers, butchies, pardalotes, honeyeaters, Pardalotes and many more birds that live on the road reserve.

The land owner has not addressed the glare from windows which has on going for 2 1/2 years. Shire sent us a letter on 5.12.2013 saying that trees would be planted they were planted but not looked after they are all dead. How can you allow the land owner to have more land so these problems will not and have not been addressed. Land owner bought the land and has de-vegetated it. There is photo's of what trees he knocked down. If the land owner gets these road reserves the same thing will happen.

The shire got into the right side to get your fence on, the land owner did not do this. Why should he have special arrangements now to buy land?

Why has the land owner allowed to do this when there are issues been going on 2 1/2 years and still not fixed.

There are real problems as shire
land is being used just to suit the land
owners.

I strongly object to any more
land for this land owners.

From

Meni Doh

1108 EUROA/STRATHBOGIE.

KELVIN VIEW

VIC 3666

P.S.

On our behalf Brian Pimlott will be
speaking at next council special meeting

Submission No. 5

Strathbogie Shire council,
Att'n Christine Washusen

SHIRE OF STRATHBOGIE	
Doc ID:	Doc:
13 MAY 2014	
Page No:	3
Library:	07
E. T. Dowling 3 Gobur street Euroa, 3666 12/05/2014	

The proposed sale of the public land under section 223 of Horseshoe Bend Lane and Euroa – Strathbogie Road Kelvin View.

After many years of passing these two lots of land and seeing the change in usage and now we know the buildings, fencing and other infra-structure is on public land and destruction of the old growth forest that has accrued around the development and the only way of fixing the problem, from the shire's point of view, is to sell the two parcels of land to the adjoining developer.

When the first planning permit was issued many years ago I was shown the plans and layout and the location on the land, but now without advertising changes to the planning permit we have a major problem. The duty of care for almost 10,000 rate payers was thrown out the window. This whole selling of the land, is to fix up a major mistake and should have been fixed a long time ago.

The landowner, should be made, to comply with state and local government rules and planning permit control or does this mean "do what you want now, we will fix it up later" policy.

Forget the environment and the old trees that went on their land and the shire's land or what the visitors of the shire think let alone the rate payers that go past it think, I'm not against development but there is a system in place and this is not the way to do it. The impact on the local area with the building and the late afternoon glare from the glass areas, when driving up the hill, the duty of care should have started when the planning permit was issued 3 to 4 years ago, not now. There should be a good long look at some of the decisions that were made then and who made them to be in this position now.

Now that the adjoining land owner has placed it on the market and the agent is saying the land is 8 acres and not the 3.5 acres. Has the nod been done already, to sell the land to the adjoining owner?

I feel as a rate payer of this shire that my rights have been undermined, as I have always got permits, had to inform my neighbors, and advertised in the local paper of changes to the land usage and place signs to state this on the boundaries.

I wish to attend the council meeting.

Yours truly, *Bruce Dowling* Bruce Dowling

Submission No. 6

19 May 2014

Colin and Doreen Walker
10 Bury Street
Euroa, VIC
3666
Ph: 57 953066

Steve Crawcour,
Chief Executive Office
Strathbogie Shire Council
PO Box 177,
Euroa, VIC 3666

Re Horseshoe Bend Lane and Euroa-Strathbogie Road, Kelvin View

We write to respond to the above Public Notice issued on the Council website and put forward herewith our 'objection' in response to the notice.

Our family farm is located at 26 Wonnangatta Lane, Kelvin View, off Quails Lane. We have additional property located on the Euroa-Strathbogie Road without essential wool farming equipment and facilities.

All sheep treatment and shearing is carried out at our Wonnangatta Lane property and therefore Horseshoe Bend Lane is utilised during the sheep droving and transportation processes between properties.

To remove this access route will significantly increase the risk exposure to public road users, our family members and employees during our droving and sheep transportation process.

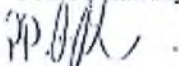
The Quails Lane and Euroa-Strathbogie Road intersection has a decreased level of advanced sighting and has an increased average vehicular traffic speed compared to the Horseshoe Bend Lane and Euroa-Strathbogie Road intersection.

The Quails Lane and Euroa-Strathbogie Road intersection also provides for no area of safety on a blind corner making it difficult for persons and sheep to retreat on vehicle approach.

We request council to review the proposal and truly consider the 'Risk Management', 'Financial / Budgetary' and 'Economic' implications when making the decision in accordance with the Council members 'due diligence' requirements.

We hope to again receive the opportunity to discuss the proposal and should you wish to contact us please use the contact details at the top of this letter.

Yours faithfully


Colin Walker

Submission No. 7

Chris Washusen

From: Donald L Hall <faysiedon@fastmail.fm>
Sent: Tuesday, 20 May 2014 2:28 PM
To: Records
Subject: Proposed closure of portion of Horseshoe Bend Road, Kelvin view

Chief Executive Officer,
Strathbogie Shire Council

Dear Sir

We write as ratepayers at 152 Quailes Lane, Kelvin View.

We have learned today by unofficial means that the Shire is considering the closure and sale of the portion of Horseshoe Bend Lane to the south-east of Quailes Lane. We have received no advice of this proposal from the Shire. We object to any such proposal.

Continued access to that section of Horseshoe Bend Lane is particularly important for the school children who live on Quailes Lane. The junction of Strathbogie Road with the subject road is the only safe place for the school bus to stop. There is no safe place near the Quailes Lane intersection.

Farmers use Quailes Lane to move livestock on foot onto Strathbogie Road towards Strathbogie. Having stock emerge suddenly onto Strathbogie Road from the Quailes Lane cutting could not be managed safely - there is no space between the road and embankment for stock to move.

The Horseshoe Bend Lane corner, on the other hand, has a full road verge width to the fenceline all the way.

Neither of these problems affects us directly but we use the section of road frequently because of the safer entry to/from Strathbogie Road when we travel towards/from Strathbogie and Kelvin View.

Having had a long connection with the local CFA we are also conscious of the limited options for escaping fire from Quailes Lane. The narrow cutting giving access to Strathbogie Road could easily be blocked by fire.

The Horseshoe Bend Lane exit is much more open.

Fire on Quailes Lane was a significant issue in the big Christmas 1989 fire.

We urge the Shire to abandon this proposal because of all the safety issues involved.

Respectfully

Don and Fay Hall

--

Donald L Hall
faysiedon@fastmail.fm

Submission No. 8

2014-05-20 16:55

96289967 >> +61 3 57953550

P 3/5

Mr Thomas C Maher
"Barnong"
RMB 3150
Euroa Vic 3666

20th May, 2014

Steve Crawcour
Chief Executive Officer
Strathbogie Shire Council
P.O. Box 177
Euroa VIC 3666

Fax: 03 5795 3550

Dear Mr Crawcour

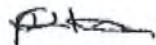
**Re: Un-used Road Reserve Horseshoe Bend Lane at Euroa on Strathbogie Road,
Kelvin View.
Proposal of sale of land to adjoining landowner at valuation.**

I oppose the selling of the above un-used road reserve to the adjoining landowner at valuation.

I ask for time to speak to address this matter to council.

Yours faithfully

Thomas C Maher



2014-05-20 16:55 .

96289967 >> +61 3 57953550

Submission No. 9

P 4/5

Ms Maree Maher
"Barnong"
Hume Highway
Balmattum Vic 3666

20th May, 2014

Steve Crawcour
Chief Executive Officer
Strathbogrie Shire Council
P.O. Box 177
Euroa VIC 3666

Fax: (03 5795 3550

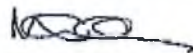
Dear Mr Crawcour

**Re: Un-used Road Reserve Horseshoe Bend Lane at Euroa Strathbogrie Road,
Kelvin View.
Proposal of sale of land to adjoining landowner at valuation.**

I strongly object to this sale of road reserve to the adjoining landowner.

I have a points to raise in relation to this matter and I ask for time to speak to address this matter to council.

Yours faithfully



Maree Maher

Submission No. 10

From: <vannessa.iones@depi.vic.gov.au>
Date: 22 May 2014 9:21:13 AM AEST
To: <roy.hetherington@strathbogrie.vic.gov.au>
Subject: Horseshoe Bend Lane

Good Morning Roy

Following on from our phone call from Tuesday 20/5/2014, I would just like to present you with the concern that the Department has regarding the area of road that we believe the shire is in the process of discontinuing and selling.

The area of road in question is shown hatched blue on the plan below:

Page 1 of 1

Although this road (known as Horseshoo Bend Lane) is currently managed and maintained by the Strathbogie Shire in accordance with the Road Management Act, the road is not vested in title to the Strathbogie Shire, therefore the roads' underlying status is Government Road and would need to be sold by the Department of Environment and Primary Industries.

Under Schedule 10 Part 3 (b) of the Local Government Act 1989, the council may only sell the land from that road, if it is not Crown Land.

As the Department is unable to find any information to show that the road is vested in title to the Strathbogie Shire, we maintain that the road is Crown Land. If you have any documentation that indicates that the road is owned by the Shire, please advise the department so our records can be amended.

I have attached a copy of a title plan for the adjoining land and it shows the road as a "government road" for your reference.

Regards

Vanessa Jones | Property Officer
Department of Environment & Primary Industries

☎ 03 57 354 380 | ☎ 03 57 923 230 | ✉ vanessa.jones@dep.vic.gov.au
📮 PO Box 879, Seymour, 3660 | DX 218674

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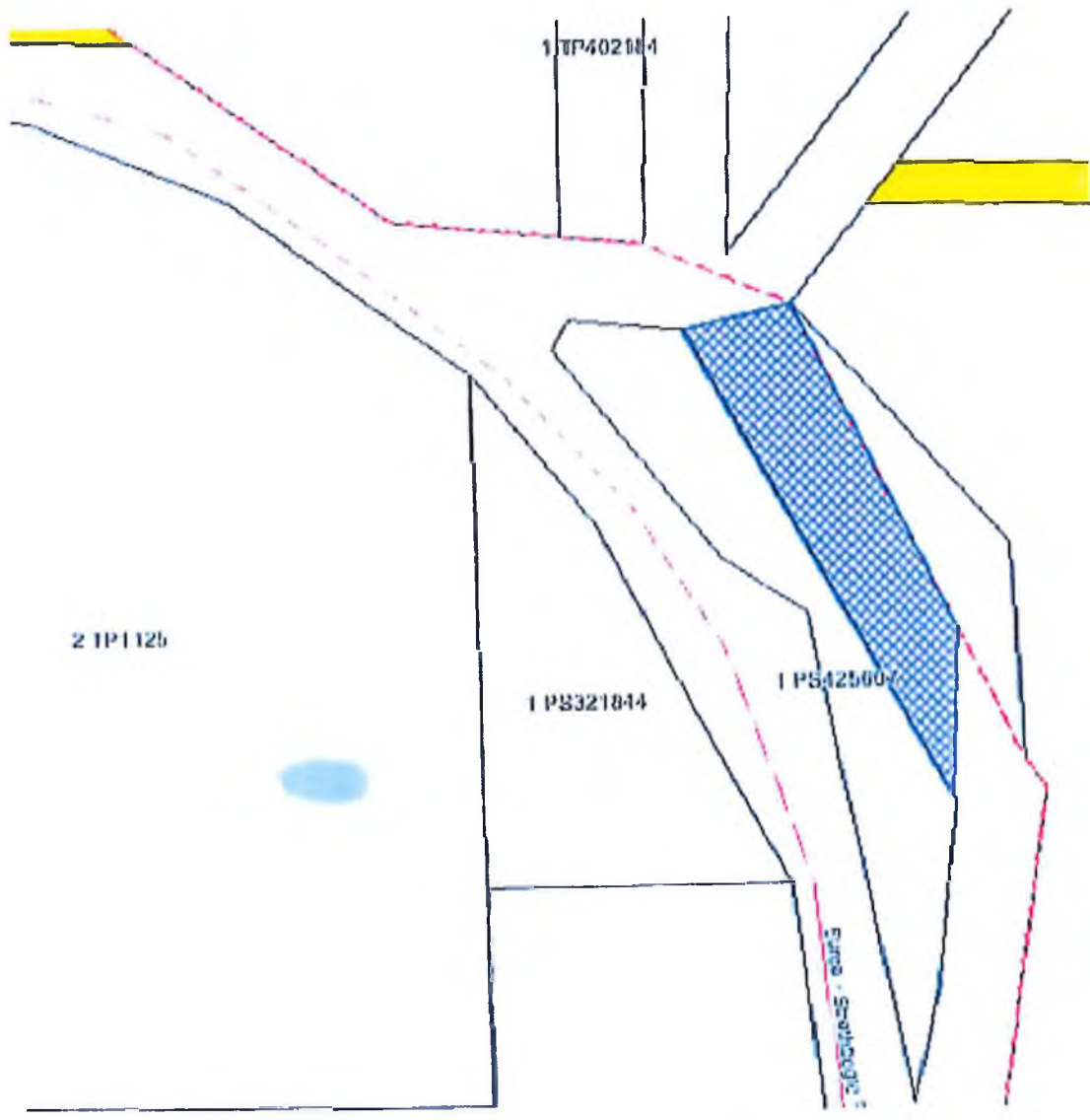
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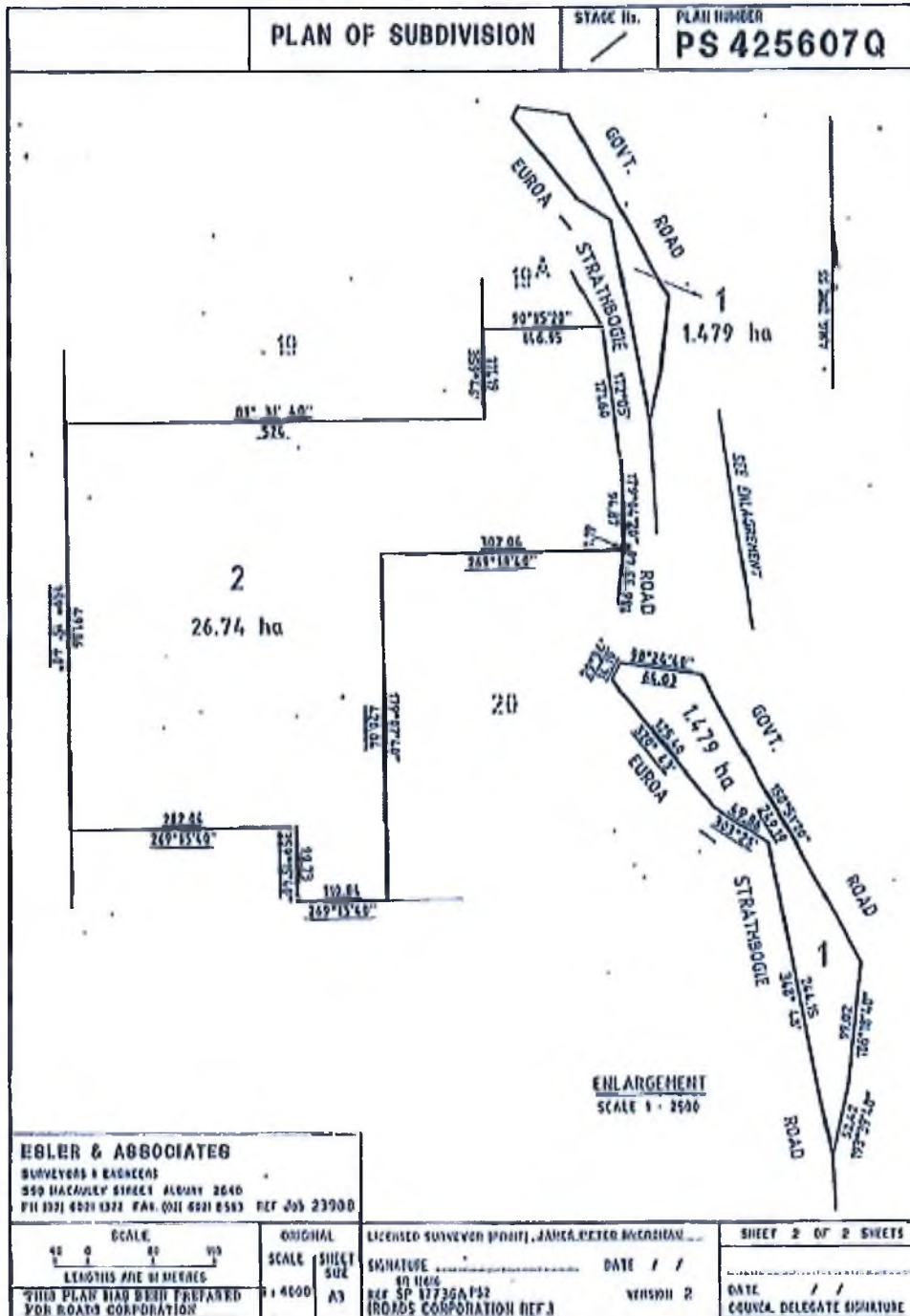
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Submission No. 11

Chris Washusen

Subject: FW: Doc 46670 Re: Kelvin View Reserve

Sent from my iPad

On 22/05/2014, at 10:38 AM, "shirl" <shirl500@bigpond.net.au> wrote:

G'day Emma and Roy - I firstly wish to apologise for this late email - I have mis-read the ad and thought the date for submissions was Friday 23rd May. As follow-up to my enquiry on 15th April, and Roy's subsequent telephone conversation regarding the Unused Road Reserve at Kelvin View we wish to make the following comments: -

- We greatly appreciate the opportunity to comment on this Reserve.
- We are keen to protect and enhance the existing natural values and would support action that can achieve this outcome.
- We would be keen to see a significant vegetation overlay apply to this Reserve with a management plan incorporated into the title. We believe there are populations of both *Dodonea horonifolia* – (listed as rare), and *Persoonia rigida*, (locally restricted) at this site.
- We are happy to provide assistance to achieve a good outcome.

Regards, Shirley

Shirley Saywell
Euroa Environment Group Inc
PO Box 77
Euroa 3666

email: ceg3666@gmail.com

ph: 0127-246900

5.2.2 Proposed Sale of Lot 1, TP698824R, 17A Lily Street, Violet Town

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

The purpose of this report is to receive submissions made under Section 223 of the Local Government Act in relation to the proposed sale of Lot 1, TP698824R, 17A Lily Street, Violet Town.

Background

Following Council's decision of April 15, 2014 to give public notice of intention to sell the land, submissions were invited with a closing date of Tuesday May 20, 2014 at 5.00pm.

2 submissions were received. Neither submitter gave written reason to oppose the sale but both have requested time to speak.

RECOMMENDATION

That Council receive the submissions and consider them at the Ordinary Council meeting of June 17, 2014.

Alternative Options

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

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 implications

The author of this report considers that the report is consistent with Best Value, National Competition Policy and Competition and Consumer Act 2010 requirements.

5.2.2 Proposed Sale of Lot 1, TP698824R, 17A Lily Street, Violet Town (cont.)

Financial / Budgetary Implications

The proposed sale has been specifically included in the 2014/15 budget program. An independent valuation of the land has been undertaken.

Economic Implications

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

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

Consultation

The author of this report considers that consultation via the Section 223 process is appropriate for the matter under consideration.

Attachments

Correspondence from submitters.

Submission No. 1

2014-05-20 16:55 .

96289967 >> +61 3 57953550

P 2/5

Mr Thomas C Maher
"Barnong"
RMB 3150
Euroa Vic 3666

20th May, 2014

Steve Crawcour
Chief Executive Officer
Strathbogie Shire Council
P.O. Box 177
Euroa VIC 3666

Fax: 03 5795 3550

Dear Mr Crawcour

Re: 17a Lilv Street, Violet Town - Lot 1 TP698824R

I oppose the selling of the above land, by private sale at valuation.

I ask for time to speak to address this matter to council.

Yours faithfully

Thomas C Maher



Submission No. 2

2014-05-20 16:55 .

96289967 >> +61 3 57953550

P 5/5

Ms Marce Maher
"Barnong"
Hume Highway
Balmattum Vic 3666

20th May, 2014

Steve Crawcour
Chief Executive Officer
Strathbogie Shire Council
P.O. Box 177
Euroa VIC 3666

Fax: 03 5795 3550

Dear Mr Crawcour


Re: 17a Lily Street, Violet Town - Lot 1 TP698824R

I object to this above parcel of land being sold off, by private sale at valuation.

This should be correctly advertised for sale to all the public for a public Auction with a set Reserve Price.

Can I please have time to speak to address this matter to council.

Yours faithfully


Marce Maher

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