



**South Gippsland**  
Shire Council

*Come for the beauty. Stay for the lifestyle*

## **COUNCIL MINUTES**

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**SPECIAL MEETING OF COUNCIL  
WEDNESDAY 21 AUGUST 2013  
COUNCIL CHAMBERS, LEONGATHA  
COMMENCED AT 12.50PM**

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**PRESENT:**

**Mayor:** Cr Kieran Kennedy  
**Deputy Mayor:** Cr Nigel Hutchinson-Brooks  
**Councillors:** Mohya Davies, James Fawcett, Jeanette Harding, Robert Newton,  
Lorraine Brunt and Andrew McEwen.

**APOLOGY:** Cr Don Hill

**OFFICERS:**

<b>Tim Tamlin</b>	<b>Chief Executive Officer</b>
<b>Anthony Seabrook</b>	<b>Director Engineering Services</b>
<b>Jan Martin</b>	<b>Director Community Services</b>
<b>June Ernst</b>	<b>Director Corporate Services</b>
<b>David Roche</b>	<b>Governance Coordinator</b>
<b>Natasha Berry</b>	<b>Governance Officer</b>
<b>Chris Van Der Ark</b>	<b>Manager Property</b>
<b>Bryan Sword</b>	<b>Manager Planning and Environmental Health</b>

### **MISSION**

*To effectively plan and provide for the social, built, economic and natural environments that ensure the future wellbeing of South Gippsland Communities.*

# **SOUTH GIPPSLAND SHIRE COUNCIL**

## **SPECIAL MEETING OF COUNCIL WEDNESDAY 21 AUGUST 2013 COUNCIL CHAMBERS, LEONGATHA COMMENCED AT 12.50PM**

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**Tim Tamlin  
Chief Executive Officer**

## **SECTION A - PRELIMINARY MATTERS**

### **A.1 WELCOME**

Please ensure Mobile phones remain 'off' during the Council Meeting.

### **A.2 OPENING PRAYER – CR NEWTON**

We pray to God to guide us so that the thoughts we have and the decisions we make this day, are in the best interests of the people of the South Gippsland Shire.

Amen

### **A.3 ACKNOWLEDGEMENT OF TRADITIONAL CUSTODIANS – CR NEWTON**

The South Gippsland Shire Council respectfully acknowledges the Traditional Custodians of this Land, Elders past and present, their Spirits and Ancestors.

### **A.4 APOLOGIES**

**Councillor Don Hill.**

**Cr Brunt entered the Meeting at 12.52pm.**

## A.5 DECLARATION OF CONFLICT OF INTEREST FOR COUNCILLORS

Any interest that a Councillor or staff member has deemed to be significant and has disclosed as either a direct or an indirect interest is now considered to be a conflict of interest. Conflict of interest legislation is in sections 77A, 77B, 78, 78A-D and 79 of the Local Government Act 1989. This legislation can be obtained by contacting the Council's Organisational Development Department (Governance) or by accessing the Victorian Legislation and Parliamentary Documents website at [www.legislation.vic.gov.au](http://www.legislation.vic.gov.au). An interest may be by close association, financial, conflicting duties or receipt of gifts.

If a Councillor or staff member discloses any interest in an item discussed at any Council Meeting (whether they attend or not) they must:

- Complete a disclosure of interest form prior to the Meeting (forms are available from the Organisational Development Department – Governance).
- Advise the Chair of the interest immediately before the particular item is considered (if attending the Meeting).
- Leave the Council Chamber or Meeting room while the item is being discussed and during any vote taken (if attending the Meeting).

The Councillor or staff member will be advised to return to the Council Chamber or Meeting room immediately after the item has been considered and the vote is complete.

Councillors should check the Minutes of the Council Meeting to ensure their disclosure is recorded accurately.

Councillors are not required to disclose conflict of interest in relation to matters only considered at Meetings they do not attend.

Detailed information is available in Conflict of Interest in Local Government – A Provisional Guide with amendments to 1 October 2010.

Type of Interest		Example of Circumstance
<b>Direct Interest</b>		Reasonably likely that your benefits, obligations, opportunities or circumstances will be directly altered. Reasonably likely to receive a direct benefit or loss measurable in money. Reasonably likely that your residential amenity will be directly affected.
<b>Indirect Interest</b>	Close Association	A member of your family has a direct interest or an indirect interest. A relative has a direct interest. A member of your household has a direct interest.
	Indirect financial Interest	Likely to receive a benefit or loss, measurable in money, resulting from a change to another person's interest. Holding shares in a company or body that has a direct interest (subject to threshold) When a person with a direct interest owes money to you.
	Conflict of Duty	Manager or member of the governing body of an organisation with a direct interest. Trustee for a person with a direct interest. Past dealings in relation to the matter as duty to another person or body.
	Applicable Gift	Gifts valued at \$500 in previous 5 years. Election donations valued at or above \$500 in previous 5 years. Gifts other than election campaign donations that were received more than 12 months before a person became a Councillor are exempt.
	Party to the Matter	Initiated or became party to civil proceedings in relation to the matter.

## Privacy

Council is required to keep minutes of each Council meeting. The minutes contain details of proceedings which may include personal information about community members disclosed as part of presentations, submissions and questions. The minutes of Council meetings are a public record and can be inspected by members of the public.

Council undertakes audio recordings of Council Meetings as a contribution to good governance and accuracy of minutes. An audio recording of this meeting is being made for the purpose of verifying the accuracy of minutes of the meeting. In some circumstances the recording may be disclosed, such as where Council is compelled to do so by court order, warrant, and subpoena or by any other law such as the Freedom of Information Act 1982. It should be noted that other people present at the meeting may be recording the meeting and Council has limited power to regulate this. Council has developed a policy to regulate recordings, "Sound Recording of Council Meetings". A copy of this policy is located on Council's website [www.southgippsland.vic.gov.au](http://www.southgippsland.vic.gov.au). Further information or a copy of the policy or can be obtained by contacting Council's Organisational Development Department (Governance).

Nil

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## **A.6 DECLARATION OF CONFLICT OF INTEREST FOR STAFF**

Sections 80B and 80C of the Local Government Act 1989 require members of Council staff who have delegated functions and /or provide advice to Council or a Special Committee to disclose conflicts of interest. If Council staff have written, provided information/advice or approved a Council Report and have a conflict of interest it is the responsibility of that staff member to disclose the interest. Guidance to identifying and disclosing a conflict of interest is contained in Department of Planning and Community Development in '*Conflict of Interest A Guide for Council staff*', October 2011.

**Nil**

**MOVED: Cr Davies**

**SECONDED: Cr Fawcett**

**THAT STANDING ORDERS BE SUSPENDED IN ORDER TO HEAR SUBMITTERS.**

**CARRIED UNANIMOUSLY**

**Mr Lester Rootsey spoke to his submission.**

**Cr Brunt let the Meeting at 12.59pm.**

**Cr Brunt returned to the Meeting at 1.10pm.**

**MOVED: Cr Davies**

**SECONDED: Cr Harding**

**THAT STANDING ORDERS RESUME.**

**CARRIED UNANIMOUSLY**

## SECTION B - COUNCIL REPORTS

### **B.1 STRATEGIC REVIEW OF LANDHOLDINGS - PROPOSED SALE OF LAND - SECTION 223 SUBMISSIONS**

Engineering Services Directorate

#### **EXECUTIVE SUMMARY**

At the Ordinary meeting held on 24 April 2013, Council considered the Strategic Land Review Project and resolved to commence the statutory procedures to sell 17 Council properties and to also commence a Community Consultation Plan.

Subsequent to the above meeting, a report to Council at the Ordinary meeting held on 26 June 2013, presented the dates for advertising the public notices pursuant to Sections 189 and 223 of the Local Government Act 1989 for 14 of the Council properties as well as Council resolving to set the date, time and place to consider any submissions received to the public notices.

Accordingly, the purpose of this report is to consider the submissions received to the public notices for the following Council properties:

**Table 1: Advertised Properties**

Advertisement date	Closing date	Consider submissions	Property
4 June 2013	2 July 2013	21 August 2013	<ul style="list-style-type: none"><li>• 6 Attenborough Court, Poowong</li><li>• 48 Bent Street, Leongatha</li><li>• 6A Gilfedder Terrace, Mirboo North</li><li>• 2A Inglis Avenue, Mirboo North</li></ul>
18 June 2013	16 July 2013	21 August 2013	<ul style="list-style-type: none"><li>• 91A Whitelaw Street, Meeniyah</li><li>• 18 Main Street, Buffalo</li><li>• 1 Pioneer Street, Foster</li></ul>

#### Document/s pertaining to this Council Report

- **Attachment 1** - Public Notices.
- **Attachment 2** - Submission 1: 48 Bent Street, Leongatha.
- **Attachment 3** - Submission 2: 48 Bent Street, Leongatha.
- **Attachment 4** - Submission 3: 6A Gilfedder Terrace, Mirboo North.
- **Attachment 5** - Submission 4: 2A Inglis Street, Mirboo North.

- **Attachment 6** - Submission 5: 18 Main Street, Buffalo.
- **Attachment 7** - Submission 6: 1 Pioneer Street, Foster.
- **Attachment 8** - Submission 7: 1 Pioneer Street, Foster.
- **Attachment 9** - Submission 8: 1 Pioneer Street, Foster.
- **Attachment 10** - Submission 9: 1 Pioneer Street, Foster.
- **Attachment 11** - Submission 10: 1 Pioneer Street, Foster.
- **Attachment 12** - Submission 11: 1 Pioneer Street, Foster.
- **Confidential Appendix 1** - Petition 2A Inglis Street, Mirboo North.
- **Confidential Appendix 2** - Valuations.

A copy of **Confidential Appendix 1 & 2** has been distributed separately to Councillors and the Executive Leadership Team.

#### **LEGISLATIVE / ACTION PLANS / STRATEGIES / POLICIES**

- Local Government Act 1989, Sections 189, 206 and 223

#### **INTERNAL POLICIES / STRATEGIES / DOCUMENTS**

- Land Ownership Policy

#### **COUNCIL PLAN**

Outcome:	4.0	A Leading Organisation.
Objective:	4.1	Improve the financial sustainability of Council, including diversifying revenue streams.
Strategy:	4.1.1	We will explore innovative ways of increasing revenue and reducing expenditure where appropriate.

#### **CONSULTATION**

Consultation since the last report of 26 June 2013 has included:

1. Correspondence to surrounding landowners and presiding Progress Associations to inform them of Council's intention and the submission process.
2. Correspondence to submitters acknowledging receipt of their submission and where necessary, informing them of the date, time and place for their submission to be heard.
3. Advertising the public notices in the local newspapers.



4. Posting information on Council's website.
5. Attending individual meetings (enquiries at reception).

## REPORT

### Background

The public notices as referred to in Table 1 were advertised in the following newspapers:

*Table 2: Newspaper advertisements*

Date	Newspaper	Properties
4 June 2013	The Star The Sentinel Times The Mirror Mirboo North Times	<ul style="list-style-type: none"> <li>• 6 Attenborough Court, Poowong</li> <li>• 48 Bent Street, Leongatha</li> <li>• 6A Gilfedder Terrace, Mirboo North</li> <li>• 2A Inglis Avenue, Mirboo North</li> </ul>
18 June 2013	The Star The Sentinel Times The Mirror Mirboo North Times	<ul style="list-style-type: none"> <li>• 91A Whitelaw Street, Meeniyan</li> <li>• 18 Main Street, Buffalo</li> <li>• 1 Pioneer Street, Foster</li> </ul>

Submissions were received in response to the public notices and the number of submissions received for each property is listed in Table 3 below.

*Table 3: Number of submissions received to public notices*

Property	Number of Submissions	Attachment No.
6 Attenborough Court, Poowong	0	Not applicable
48 Bent Street, Leongatha	2	2 and 3
6A Gilfedder Terrace, Mirboo North	1	4
2A Inglis Avenue, Mirboo North	1 submission with petition attached.	5 and Confidential Appendix 1
91A Whitelaw Street, Meeniyan	0	Not applicable
18 Main Street, Buffalo	1	6
1 Pioneer Street, Foster	6	7, 8, 9, 10, 11 & 12

Each property will be dealt with separately under 'Discussion'.

### Discussion

- **6 ATTENBOROUGH COURT, POOWONG**

No submissions received.

Recommendation	Proceed with the removal of the reservations and vesting over property, and once complete proceed with the sale by either private treaty sale or public sale.
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• **48 BENT STREET, LEONGATHA**

Submission received from South Gippsland Water and an abutting landowner. The abutting landowner will speak to their submission in support of the proposed sale (**Attachment 3**).

Attachment No.	2	3
Submissions Summarised	South Gippsland Water identified that they have infrastructure outside of their easement and supplied a plan of where their infrastructure is positioned.	An abutting land owner in support of the proposed sale of land. The submitter has requested to be heard in support of the submission and is interested in purchasing the property.
Comments	The information provided by South Gippsland Water will be included in a Section 32 Statement during the contract of sale process.	The abutting landowner has expressed interest and is able to make an offer to purchase the property as part of the sale process.
Recommendation	Proceed with the removal of the reservations and vesting over property, and once complete proceed with the sale by either private treaty sale or public sale.	

• **6A GILFEDDER TERRACE, MIRBOO NORTH**

Submission received from abutting landowner.

Attachment No.	4
Submissions Summarised	That Council's allotment is 5,208m <sup>2</sup> which is not in keeping with the Rural Living Zone of 1 hectare allotments. That if a dwelling is constructed they will lose their rural living amenity. If the property was to be sold the solution for the submitters would be to purchase the property but it would be an unplanned expense. <i>(It is noted that the submitters offered to purchase this Council property in 2009 but were told it was not for sale at that time).</i>
Comments	As the property is less than 1 hectare, it would require a planning permit as well as addressing the requirements of

	the Bushfire Management Overlay (BMO) and Environmental Significance Overlay (ESO5). The Rural Living Zones (RLZ) intent is to provide for residential use in rural environments as long as the BMO requirements are appropriately addressed. The property would have to be able to contain any septic and any proposal may be advertised.
Recommendation	Proceed with the removal of the reservations and vesting over property, and once complete proceed with the sale by either private treaty sale or public sale.

- **2A INGLIS AVENUE, MIRBOO NORTH**

Submission received from local resident as lead petitioner.

Attachment No.	5 and Confidential Appendix 1
Submissions Summarised	That Council would sell a playground for the children of the neighbourhood and the intended privatisation of the land would negatively impact on the local community and would further diminish the public resources available to the youth of the area.
Comments	There is one swing on the site that appears to only receive minor and infrequent use whereas the large playground/skate park close by in Baromi Park has many options for the youth to utilise.
Recommendation	Proceed with the sale by either private treaty sale or public sale.

- **91A WHITELAW STREET, MEENIYAN**

No submissions received.

Recommendation	Proceed with the sale to the adjoining land owner by private treaty.
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- **18 MAIN STREET, BUFFALO**

Submission received from a local resident.

Attachment No.	6
Submissions Summarised	If Council sells the block the community will never get it back. The block could also provide an opportunity for road widening and car parking for the Buffalo Community Centre.
Comments	There is no recognition of any future widening of Hall Road under Council's current 15 year Capital Works

	Program.
Recommendation	Proceed with the sale by either private treaty sale or public sale.

• **1 PIONEER STREET, FOSTER**

Council received six submissions. Submissions were from owners within the vicinity, the Foster Community Association and the Foster Secondary College. One submitter who is an owner within the vicinity will speak in support of their submission (**Attachment 8**).

Attachment No.	7, 8, 9, 10, 11 & 12
Submissions Summarised	<p>The lack of sight of oncoming traffic at the intersections of Pioneer Street, Cooper Street and Fish Creek - Foster Road if it were to be developed.</p> <p>The pedestrian access along the pavement that currently traverses through the property and provides a safe carriageway to the Secondary School.</p> <p>The amenity to the town entrance.</p>
Comments	<p>Council Engineering officers and contractors have assessed the site to determine potential "safe intersection sight distance" if a dwelling or boundary fence were to be constructed. The measurements and assessment was undertaken in accordance with Austroads Guide to Road Design, Part 4A Unsignalised and Signalised Intersections (Section 3.2.2 – Safe Intersection Sight Distance).</p> <p>In accordance with these guidelines, safe intersection sight distance will be compromised if a boundary fence was installed along the McDonald Street boundary of 1 Pioneer Street. Likewise, if vegetation were to be planted or a house constructed on the lot, the minimum recommended safe intersection sight distance would not be met.</p> <p>Current sight distance exceeds 100 metres for motorists travelling along both McDonald and Pioneer Streets, which is acceptable for an urban environment.</p> <p>It is the Engineer's advice that sight distance will be reduced to approximately 40 metres if a standard residential fence (1.83 metres high) is installed along the McDonald Street boundary, which is unacceptable.</p> <p>To realise the function of this site Council could commence statutory procedures to create road reserve status over the land. This does not mean that a physical road would be constructed over the site but would allow the site to remain as a nature strip and footpath.</p>
Recommendation	That the sale of the property not proceed to create a road status over the land.

## Options

N/A

## Proposal

It is proposed that Council:

1. Proceed with the sale of:
  - a. 6 Attenborough Court, Poowong.
  - b. 48 Bent Street, Leongatha (submitter will speak at hearing in support of proposed sale).
  - c. 6A Gilfedder Terrace, Mirboo North.
  - d. 2A Inglis Street, Mirboo North.
  - e. 91A Whitelaw Street, Meeniyan.
  - f. 18 Main Street, Buffalo.
2. Withdraw from the sale of 1 Pioneer Street, Foster to create a road status over the land (submitter will speak at hearing not in support of proposed sale).

## FINANCIAL CONSIDERATIONS

This project is accommodated in the Property Departments 2013/14 budget for the Strategic Review of Land Holdings Project.

The sworn valuations for each property are presented in **Confidential Appendix 2**.

## RISK FACTORS

Council's legal risks are mitigated as it is conducting its activities within the legislative framework provided by Sections 189 and 223 of the Local Government Act 1989.

Following the learning gained from 1 Pioneer Street, Foster, prior to consideration for sale or otherwise, all land considered as part of this project will be evaluated for traffic management and pedestrian impact as part of the assessment process.

## CONCLUSION

Council land sales are difficult projects requiring Council to make decisions that can be considered controversial by part of its community. It is important that these decisions are made to facilitate improved opportunities for the broader community and also addresses Council's risks and opportunities associated with its land ownership.

The implementation of the Communication Plan that combines Council's legislative requirements and internal policies will demonstrate transparency of

this Project and allow the community to have a say within a dedicated time period.

### **RECOMMENDATION**

That Council after the consideration of submissions:

1. Proceed with the removal of the reservations and vesting in accordance with Section 24A of the Subdivision Act 1988 over:
  - a. 6 Attenborough Court, Poowong being the land contained in certificate of title Volume 9485 Folio 549.
  - b. 48 Bent Street, Leongatha being the land contained in certificate of title Volume 8723 Folio 795.
  - c. 6A Gilfedder Terrace, Mirboo North being the land contained in certificate of title Volume 10105 Folio 897.
2. Once item 1. is complete, proceed with the sale of the properties listed in 1 (a), (b) and (c) above by either a private treaty sale or public sale via selected local Real Estate Agent for not less than valuation obtained within 6 months of the sale date.
3. Sell 91A Whitelaw Street, Meeniyah being the land contained in certificate of title Volume 8623 Folio 481 to the adjoining land owner by private treaty for not less than a valuation obtained within six months of the sale date.
4. Sell 2A Inglis Street, Mirboo North being the land contained in certificate of title Volume 10040 Folio 484 and 18 Main Street, Buffalo being the land contained in certificate of title Volume 10697 Folio 806 by private treaty and/or selected local Real Estate Agent for not less than a valuation obtained within six months of the sale date.
5. Authorise the Chief Executive Officer or his delegate to sign all documentation in relation to the contracts of sale and applications pursuant to Section 24A of the Subdivision Act, 1988.
6. Authorise the Chief Executive Officer or his delegate, to affix Council's common seal to the Transfers of Land in respect of the properties described in 1(a), (b) and (c), 3 and 4 and any other document that requires the seal of Council to affect the sale.
7. Withdraw from sale of the land known as 1 Pioneer Street, Foster being the land contained within certificate of title Volume 8842 Folio 986 and commence statutory procedures in accordance with Section 206 of the Local Government Act, 1989 to create a road status over the land.

### **STAFF DISCLOSURE OF INTEREST**

Nil

**MOVED: Cr Davies**

**SECONDED: Cr Hutchinson-Brooks**

**THAT COUNCIL AFTER THE CONSIDERATION OF SUBMISSIONS:**

- 1. PROCEED WITH THE REMOVAL OF THE RESERVATIONS AND VESTING IN ACCORDANCE WITH SECTION 24A OF THE SUBDIVISION ACT 1988 OVER:
  - a. 6 ATTENBOROUGH COURT, POOWONG BEING THE LAND CONTAINED IN CERTIFICATE OF TITLE VOLUME 9485 FOLIO 549.**
  - b. 48 BENT STREET, LEONGATHA BEING THE LAND CONTAINED IN CERTIFICATE OF TITLE VOLUME 8723 FOLIO 795.**
  - c. 6A GILFEDDER TERRACE, MIRBOO NORTH BEING THE LAND CONTAINED IN CERTIFICATE OF TITLE VOLUME 10105 FOLIO 897.****
- 2. ONCE ITEM 1. IS COMPLETE, PROCEED WITH THE SALE OF THE PROPERTIES LISTED IN 1 (A), (B) AND (C) ABOVE BY EITHER A PRIVATE TREATY SALE OR PUBLIC SALE VIA SELECTED LOCAL REAL ESTATE AGENT FOR NOT LESS THAN VALUATION OBTAINED WITHIN 6 MONTHS OF THE SALE DATE.**
- 3. SELL 91A WHITELAW STREET, MEENIYAN BEING THE LAND CONTAINED IN CERTIFICATE OF TITLE VOLUME 8623 FOLIO 481 TO THE ADJOINING LAND OWNER BY PRIVATE TREATY FOR NOT LESS THAN A VALUATION OBTAINED WITHIN SIX MONTHS OF THE SALE DATE.**
- 4. SELL 2A INGLIS STREET, MIRBOO NORTH BEING THE LAND CONTAINED IN CERTIFICATE OF TITLE VOLUME 10040 FOLIO 484 AND 18 MAIN STREET, BUFFALO BEING THE LAND CONTAINED IN CERTIFICATE OF TITLE VOLUME 10697 FOLIO 806 BY PRIVATE TREATY AND/OR SELECTED LOCAL REAL ESTATE AGENT FOR NOT LESS THAN A VALUATION OBTAINED WITHIN SIX MONTHS OF THE SALE DATE.**
- 5. AUTHORISE THE CHIEF EXECUTIVE OFFICER OR HIS DELEGATE TO SIGN ALL DOCUMENTATION IN RELATION TO THE CONTRACTS OF SALE AND APPLICATIONS PURSUANT TO SECTION 24A OF THE SUBDIVISION ACT, 1988.**
- 6. AUTHORISE THE CHIEF EXECUTIVE OFFICER OR HIS DELEGATE, TO AFFIX COUNCIL'S COMMON SEAL TO THE TRANSFERS OF LAND IN RESPECT OF THE PROPERTIES DESCRIBED IN 1(A), (B) AND (C), 3 AND 4 AND ANY OTHER DOCUMENT THAT REQUIRES THE SEAL OF COUNCIL TO AFFECT THE SALE.**

- 7. WITHDRAW FROM SALE OF THE LAND KNOWN AS 1 PIONEER STREET, FOSTER BEING THE LAND CONTAINED WITHIN CERTIFICATE OF TITLE VOLUME 8842 FOLIO 986 AND COMMENCE STATUTORY PROCEDURES IN ACCORDANCE WITH SECTION 206 OF THE LOCAL GOVERNMENT ACT, 1989 TO CREATE A ROAD STATUS OVER THE LAND.**

**CARRIED UNANIMOUSLY**



Attachment 1  
Public Notices

Come for the beauty... Stay for the lifestyle



# Noticeboard

**Keeping our communities informed!**

**COUNCIL PUBLIC SESSIONS**  
Council Chambers, Leongatha  
Public attendance welcome

**Wed, 12 June 2013**  
**SPECIAL MEETING OF COUNCIL - 12noon**  
Special Meeting of Council to consider submissions to the Council Budget 2013/2014, Annual Plan, Council Plan and Councilor Allowances.  
Submissions to consider the Council Budget 2013/2014, Annual Plan, Council Plan and Councilor Allowances will be considered, and representations from submitters heard at a Special Meeting of the Council in the Council Chambers, Michael Place, Leongatha, at 12 noon on Wednesday 12 June 2013. Please note that copies of submissions (including submitters' names and addresses) will be made available at the Council meeting on 12 June 2013.

**Wed, 12 June 2013**  
**COUNCILLOR BRIEFINGS**  
**Note:** The June Public Presentation Day would usually be held on 10 June this has now been moved to 12 June 2013.  
11.00am - Public Briefing, Korumburra Children's Centre  
2.00pm - Public Presentations - Ph: 5662 9222 to book a speaking time  
7.00pm - Public Presentations - bookings essential by noon on 11 June

**Wed, 26 June 2013**  
**ORDINARY COUNCIL MEETING - 2pm**  
10.00am - Public Presentations - Ph: 5662 9222 to book a speaking time

**DRAFT HOUSING AND SETTLEMENT STRATEGY (HSS) PUBLIC CONSULTATION**  
The draft HSS is the growth strategy for South Gippsland Shire. It is out for public consultation until 28 June 2013.  
The draft Housing and Settlement Strategy (HSS) comprises three key projects:  
Part A: Housing and Settlement Strategy (HSS)  
Part B: Urban Design Frameworks (UDFs) for 17 of the Shire's settlements  
Part C: Review of Rural Living Zone Areas and Restructure Overlays

The Strategy has the following key directions:

- Prioritizes development according to service or environmental constraints;
- Describes settlements by their functions and regional role;
- Prioritizes planning for growth in Leongatha, Korumburra, Foster, Mirboo North, Nyora and settlements that have reticulated sewerage;
- Recognizes existing Strategic plans as guiding instruments for detailed planning;
- Investigates new zoning of land to the Rural Living Zone only in exceptional circumstances;
- Supports existing dwelling opportunities in the Rural Zone and supports increased Low Density Residential Zone (LDRZ) supply where supporting infrastructure is present;
- Discourages development in old undeveloped Crown townships

The following community info sessions and drop-in sessions have been organised:  
**Community Information Sessions** with presentations:

**Sunday 16 June**

- Foster 10am - 10:30am: Foster Community Health Centre, 87 Station Rd
- Meenyan 12pm - 1:30pm: Supper Room at Meenyan Hall, Whitelaw Street
- Mirboo North 3pm - 4:30pm: Club room (Weller Tuck) Recreation Reserve
- Korumburra 6pm - 7:30pm: Coal Creek Auditorium, Coal Creek

**Monday 17 June**

- Leongatha 4:30pm-6pm: Council Chamber, Michael Place

**Additional drop-in sessions for one-on-one discussions:**

- Thursday 6 June, 11am-2pm, Meeting Room 2 (next to Council Chamber), Michael Place, Leongatha
- Saturday 8 June, 9:30am-12:30pm, Coal Creek Farmers Market, Coal Creek, Korumburra.

**RSVP's to the sessions should be addressed to Victor Ng, Strategic Planning Officer on 5662 9305 or via email: victor.ng@southgippsland.vic.gov.au** You will find more details and the relevant recommendations in the draft HSS, available at local libraries, Councils office in Leongatha and on Council's website at: [http://www.southgippsland.vic.gov.au/Page.jspx?Page\\_Id=126](http://www.southgippsland.vic.gov.au/Page.jspx?Page_Id=126)

**PROPOSED SALE OF LAND**  
Council hereby gives notice pursuant to section 189 (2) and 223 of the Local Government Act 1989 that it intends to sell the following land:

**6A Giltedder Terrace, Mirboo North, Reserve 2 PS3025076 being approximately 5,200m<sup>2</sup>**



**2A Ingalls Avenue, Mirboo North, Lot 1 TP682958R being approximately 676m<sup>2</sup>.**



**6 Atterborough Court, Peowang, Reserve Lp136612 being approximately 1150m<sup>2</sup>**



**48 Bent Street, Leongatha, Reserve LP66278 being approximately 880,1m<sup>2</sup>**



Any person may make a submission relating to the proposed sales of land. Submissions must be in writing, and received no later than 28 days from the date of this notice. In your submission, please clearly indicate if you wish to be heard by Council.  
Submissions will be considered, and representations from submitters heard, in accordance with Section 223 of the Local Government Act 1989 at a Special Meeting of Council held 21 August 2013 commencing at 12.45pm at the Council Chambers, Michael Place, Leongatha.


Submissions should be addressed to the CFO and lodged at the Council offices 9 Smith Street, Leongatha or posted to Private Bag 4, Leongatha, Vic 3953. Enquiries should be directed to Chris Van Der Ark on 5662 9200.  
Any correspondence you submit will be made public in accordance with section 11(4) of the Local Government Regulations 2004. Copies will form part of the report to a Council or Committee meeting and will be kept with the records of the meeting. This is particularly important if you think you might place personal information in the document.

**COUNCIL WORKS THIS WEEK**

Area	Works
Bena Kongwak Rd, Bena	Landslip repairs
Gilroy Ridge Rd, Thoa	Guardrail works
Hillston Mirboo Nth to Leongatha Nth area	Rd maintenance
Walkerville/Middle Town to Meenyan area	Rd maintenance

9 Smith St., Leongatha 3953 (Private Bag 4) Ph: 5662 9200 Fax: 5662 3754. council@southgippsland.vic.gov.au www.southgippsland.vic.gov.au

Attachment 1  
 Public Notices



*Come for the beauty... Stay for the lifestyle*

# Noticeboard

**COUNCIL PUBLIC SESSIONS**  
 Council Chambers, Leongatha  
 Public attendance welcome

Over The Year Public Information Day was held on 12 June 2013.


**Next 29 June 2013 - ORDINARY COUNCIL MEETING** - Open to Public - Public Participation - PM (4:30 - 5:30) to Item 8 following time:

1. Notice of Business - Information/Notes 2013/2014
2. Motion on agenda - Resolutions to the Electoral Submitter 2012/2013 Year
3. Council's Approval of Council Plan - May 2013
4. Council's Memorandum Allocation Report
5. Councilwide Survey A/R1 (2012/13) and/or 2014. Chief Executive Officer Report - May 2013
6. Motion on agenda and Memorandum for Section Plans
7. Municipal Wide Financial Performance 2012/13/2013
8. 2013/2014 Capital Plan and 2013/2014 Budget Plan
9. Adoption of 2013/14 Annual General Budget
10. Financial Performance Report
11. 2013/2014 Community Grants Program
12. Application for the Public Works Fund Program - 2013/14 Road Repairs/Qualifications Enhancement Project
13. Special Land Use Zoning - Community House
14. Strategic Risk Register and Risk Management Framework 2013/14 Review
15. Public Participation/Community Feedback
17. Annual Council Plan
18. Next Policy
19. Council Policies - Road Naming, Road Closing and Surveys and/or Work/Alteration/Changes to Council Property
20. Adoption of the Road Naming Policy 2013
21. Strategic Land Review - update on community plan and committee recommendations
22. Performance Review Report - 2013/14 Public Works Fund
23. Proposed by-law amendments to the Planning of Property in Outrigger Clow
24. Proposed new road name for west of Pflunder Road zoning and/or other boundaries
25. Council's Annual Management Plan 2013/2014
26. Adoption of Amendment C/20 - Local Signs, Notices and Identification Waiver Planning Amendment
27. Recreation Planning Scheme Amendment C/20
28. Leongatha and Foster Housing Related Protection Amendment C/20
29. Planning scheme amendments C/20 2013. Annual Decree to Special Use Zone 3 with associated map/plan amendment
30. Council Plan - 2013/2014 Community Grants Program 2 - update
31. Council Plan - Motion which the Council members would recommend Council to be passed

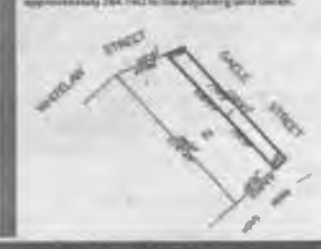
**PROPOSED SALE OF LAND**

Council hereby gives notice pursuant to section 186 (2) and 222 of the Local Government Act 1989 that it intends to sell the following land:


**10. Block Street, Buffalo, Lot PS212251U being approximately 1476m<sup>2</sup>.**



**61A. Whitton Street, Washburn, Lot LP11040 being approximately 284.1m<sup>2</sup> to the adjoining land owner.**



**1 Pioneer Street, Poolea, Lot 1 LP12765 being approximately 522.9m<sup>2</sup>**



Any person who holds a submission relating to the proposed sale of land (Submitters) should be in writing and received no later than 28 days from the date of this notice. If you are a submitter, please reach out to us if you wish to be listed by Council.

Submitters will be considered and representations from submitters heard, in accordance with Section 223 of the Local Government Act 1989 & s 224 of the MLCU of Council held on 27 August 2013 commencing at 10.45am in the Council Chambers, 6 Ketchikan Place, Leongatha.

Submitters should be addressed to the CEO and/or the Chief Executive Officer, 6 Ketchikan Place, Leongatha 3963. Any queries should be directed to: [ChiefExecutive@scg.vic.gov.au](mailto:ChiefExecutive@scg.vic.gov.au)

Any interested persons who submit will be made public in accordance with section 114(1) of the Local Government Regulations 2004. Copies will be sent to all submitters as Council is a public body and will be kept with the records of the Council. This is particularly important if you have any right of veto or other interest in the proposed sale.

**COUNCIL WORKS THIS WEEK**

Work	Location
Water	Leongatha
Road Maintenance	Leongatha
Green Waste	Leongatha
Public Works	Leongatha

9 Smith St., Leongatha 3963 (Private Bag 4) Ph: 3622 9202 Fax: 3622 3754 [complaints@southgippsland.vic.gov.au](mailto:complaints@southgippsland.vic.gov.au) [www.southgippsland.vic.gov.au](http://www.southgippsland.vic.gov.au)

**Attachment 2**  
**Submission 1 – 48 Bent Street, Leongatha**



20 June 2013

Our Ref: 452/001/002

Chief Executive Officer  
South Gippsland Shire Council  
Private Bag 4  
LEONGATHA VIC 3953



Dear Sir,

**Re: Proposed Sale of Land – 48 Bent Street Leongatha**

I refer to the notice of the intended sale of the above land which has been set aside as a Reserve, and wish to make the following comments:

1. The Corporation has an existing 150mm sewer main which runs along the northern boundary of this land with an offset of approximately 3.0m. (copy attached).
2. This sewer main is not within a registered easement.
3. Clause 148 of the Water Act 1989, states that approval is required from the Corporation for any structure to be built, or any filling to be placed within 1 metre of any of the works of the Corporation.
4. Once the land is sold it will become a rateable property and incur the payment of service charges.
5. The land has not been provided with a sewer or water connection point and should it be developed, it will be required to be provided with a reticulated sewer and water supply.
6. Connection to a reticulated water and sewer supply will require the payment of New Customer Contribution (NCC) charges for water and sewer. The amount of each NCC charge will be based on the amount at that time.

The Corporation does not require to be heard by Council on this submission. Should you require further information regarding this matter, please contact me on 5682 0420.

Yours sincerely

A handwritten signature in cursive script that reads "Janice Pell".

**Janice Pell**  
Planning & Subdivision Co-ordinator

**Enclosure: Asset Plan**

14 - 18 Pioneer Street, PO Box 102, FOSTER Vic 3960  
Telephone: (03) 5682 0444 Facsimile: (03) 5682 1199  
Email: sgwater@sgwater.com.au

**Attachment 2**  
**Submission 1 – 48 Bent Street, Leongatha**



2 July 2013

Our Ref: 452/001/002  
Your Ref: EF/13/300



Mrs Andrea Wrigley  
Property Projects Officer  
South Gippsland Shire Council  
Private Bag 4  
LEONGATHA VIC 3953

Dear Andrea,

**Re: Additional Information – 48 Bent Street Leongatha**

Further to our letter to Council dated 20<sup>th</sup> June 2013 and our discussion on the matter, I wish to provide the following additional information as requested.

1. The Corporation has an existing 150mm sewer main which runs along the northern boundary of this land with an offset of approximately 3.0 - 3.3m. (copy attached).
2. The existing drainage and sewerage easement is 2.4m wide and therefore the sewer main is not located within the easement. This is not an uncommon occurrence.
3. Any development on the land will require approval from the Corporation to be within 1.0m of its infrastructure. In other words, any development will be required to be a minimum of 4.3m from the northern boundary of the lot.

Should you require further information regarding this matter, please contact me on 5682 0420.

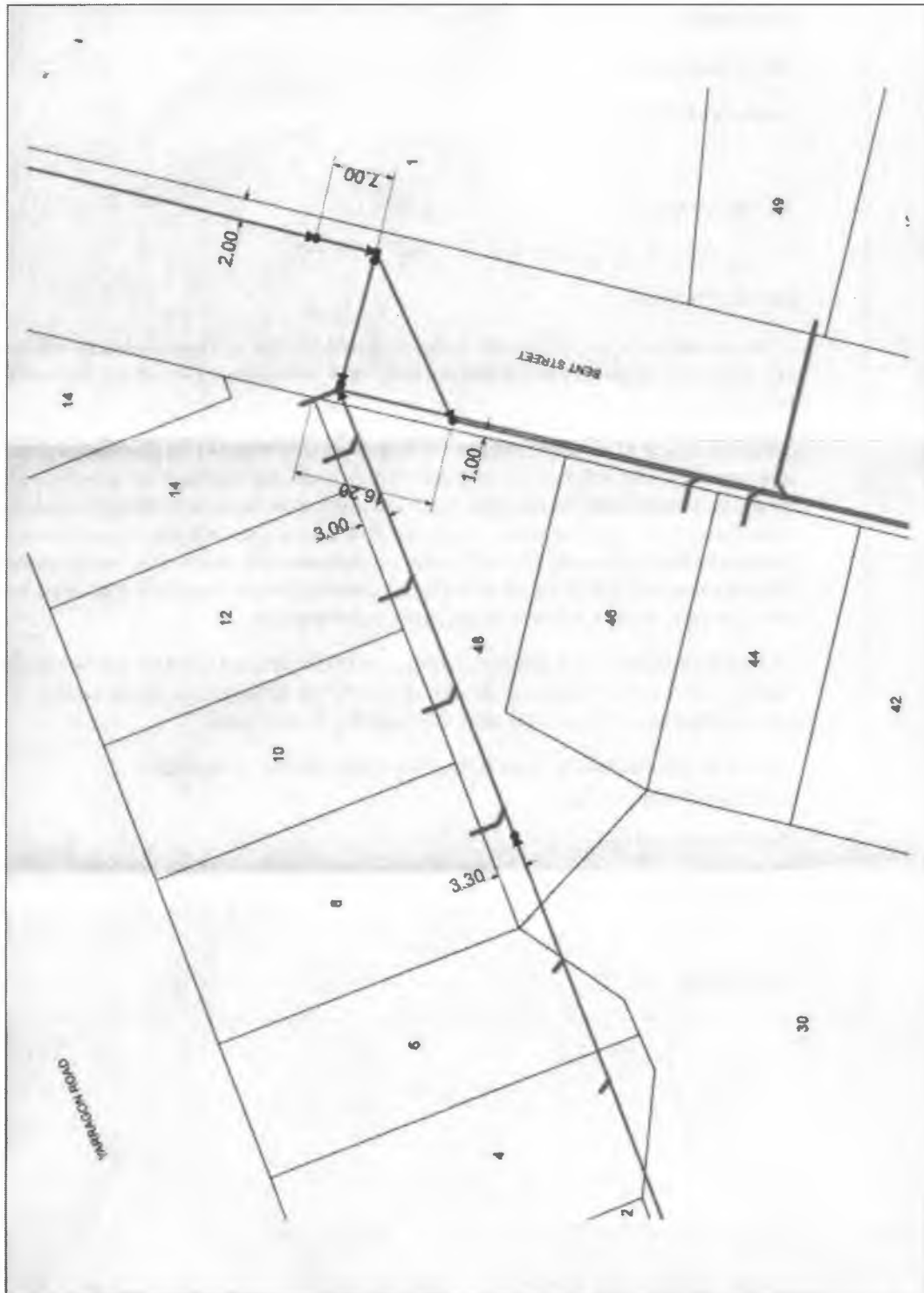
Yours sincerely

A handwritten signature in dark ink, appearing to read "Janice Pell".

**Janice Pell**  
Planning & Subdivision Co-ordinator

Enclosure: **Asset Plan**

**Attachment 2**  
**Submission 1 – 48 Bent Street, Leongatha**



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**Attachment 3**  
**Submission 2 – 48 Bent Street, Leongatha**

Trevor Phillips

100 Pearsalls Road,  
Inverloch, VIC. 3996

Monday, 1 July 2013

Dear Mr. Tim Tamlin,

I have become aware that submissions are open regarding council land located at 48 Bent Street, Leongatha. Owning property that adjoins this land, I have seen absolutely no use of it that benefits the community.

My block, number 12 Yarragon Road and also those living at number 14 have sheds which were built many years ago, both with doors opening onto 48 Bent Street, with that land having been used for car access to those sheds. The only other use of this land is from the owners of 46 Bent Street for some storage and a vegetable garden. I contacted SGSC regarding this last year, as I was concerned they may be aiming to acquire the land through adverse possession. At the time, I was informed they are paying rent to SGSC for use of that land. I have not seen people using it as an access to the park at the rear, as there are better access points at the other end.

I would like to place a submission of interest to purchase the land and would like it to be heard by Council. If there are submissions put forward against the sale for purposes of access, a small walkway could be sectioned off the south side, adjoining 46 Bent Street.

Any further correspondence, please contact me on 0433 267 617, or via email at [trevor.j.phillips@hotmail.com](mailto:trevor.j.phillips@hotmail.com).

Thank you for your time.

Kind Regards,

Trevor Phillips.

**Attachment 4**  
**Submission 3 – 6A Gilfedder Terrace, Mirboo North**

Mr Tim Tamlin  
CEO  
South Gippsland Shire Council  
Private Bag 4  
Leongatha 3953

25<sup>th</sup> June, 2013

Dear Mr Tamlin,

As the owners of 6 Gilfedder Terrace Mirboo North, we are writing in response to the call for submissions regarding the sale of 6A Gilfedder Terrace.

Our main concern with the public sale of this property is the potential for a building permit to be issued, following the sale, and resulting in a new dwelling being built on the property. This would create a number of issues and concerns for us, including:

- The size of the property at 6A is significantly smaller than any other within the estate and therefore is not in keeping with the rest of the estate – resulting in a potential dwelling being built in close proximity to existing, neighbouring dwellings and significantly diminishing the “rural living” feel of the estate and impacting the amenity, privacy and tranquillity of our property
- The estate currently does not have a reticulated sewerage system, so a septic sewerage system would be required. Given the small area and slope of the property it would be difficult to prevent the runoff from the septic system from flowing directly into the area surrounding the existing shed on our property.

We have attached our previous correspondence regarding the property at 6A Gilfedder Terrace.

We wrote to Mr Seabrook in 2009 to express interest in buying 6A Gilfedder Terrace and were advised that Council do not normally dispose of properties and had no immediate plans to do so. As a result we were comfortable moving our, then planned, house closer to 6A and Gilfedder Terrace in order to reduce the BAL rating for our property to a manageable BAL29.

We respect Council’s requirement and prerogative to dispose of its properties. Our concerns are solely around the subsequent granting of a building permit for the construction of a dwelling on the property which due to the contour of the land and BAL requirements, would be as close to our house as our suburban neighbours in Melbourne.

Our property at 6 Gilfedder Terrace Mirboo North not only provides us with a weekend escape from Melbourne, whilst allowing us to be part of the Mirboo North community. We enjoy shopping at the local shops, visiting the monthly market and utilising local businesses. We also enjoy spending time in and supporting the surrounding towns particularly Leongatha and Meeniyan.

**Attachment 4**  
**Submission 3 – 6A Gilfedder Terrace, Mirboo North**

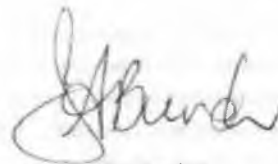
Our weekender provides us with a tranquil and relaxing escape to a beautiful part of Victoria and we are most anxious about this being spoiled by having a house built "on top" of ours.

An obvious solution is for us to purchase 6A from Council. This would be an unplanned and significant expense for us, just to sure up the tranquil, "rural living" feel that we have already paid for with the purchase of our existing property. However, given our desire to keep our weekender and maintain the rural, tranquil and private nature of our property we would be prepared to consider purchasing 6A Gilfedder Terrace if the price was in line with and proportional to Council's land valuation of our property.

Yours sincerely



Drago Sijan  
0418 682 759  
dsijan@bigpond.com



Jennifer Burden



**Attachment 5**  
**Submission 4 – 2A Inglis Street, Mirboo North**

**E-mail Message**

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**From:** [Rob Kiddell \[SMTP:RobK@mcmillans.com.au\]](mailto:Rob.Kiddell@mcmillans.com.au)  
**To:** [Andrea Wrigley \[EX:/O=FIRST ORGANIZATION/OU=First Administrative Group/cn=Recipients/cn=AndreaW\]](mailto:Andrea.Wrigley@first-organization.com.au)  
**Cc:** [Rob Kiddell \[SMTP:RobKiddell@delburn.biz\]](mailto:Rob.Kiddell@delburn.biz)  
**Sent:** 10/07/2013 at 3:03 PM  
**Received:** 10/07/2013 at 3:03 PM  
**Subject:** RE: Urgent - Petition / Submission 2a Inglis Street, Mirboo North

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**Attachments:** image001.jpg

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Good afternoon Andrea,

I have given the matter further consideration after our last chat and weighed up the fact that those subscribing their names to the petition form were obviously happy to have their neighbours, who were also signing see their names, addresses and telephone numbers, see those particulars. On this basis I cannot see why any of those subscribing their signatures to the document would object to the same document they signed being incorporated into Council's records.

Accordingly I am happy to confirm that I wish the petition to be presented to the special meeting and treated as "a submission".

Kind regards,

Rob Kiddell  
McMillan Financial Planning  
[www.mcmillanpartners.com.au](http://www.mcmillanpartners.com.au)  
email [robk@mcmillans.com.au](mailto:robk@mcmillans.com.au)  
Ph 03 5174 6699

Fax 03 5174 9932  
PO Box 228  
Level 3 22 Kay Street  
TRARALGON VIC 3844

**SOUTH GIPPSLAND  
SHIRE COUNCIL**  
- 7 JUL 2013

**Petition to South Gippsland Shire Council**  
**Objection to sale of Recreational Park, 2A Inglis Avenue, Mirboo North**

We the undersigned, wish to inform South Gippsland Shire Council of our concern regarding the proposed sale of 2A Inglis Avenue, Mirboo North. For many years this public space has been a cherished playground for the children of the neighbourhood and your intended privatisation of this land will negatively impact the local community and will further diminish the public resources available to the youth of the area.

- We ask that the council abandon plans to sell the subject allotment

Refer to **Confidential Appendix 1** for a full copy of the petition including signatories.

**Attachment 6**  
**Submission 5 – 18 Main Street, Buffalo**

270 Barton's Road, Buffalo.  
27<sup>th</sup> June 2013.

Mayor Kieran Kennedy  
( Coastal Promontory Ward )  
Shire of South Gippsland.

**SOUTH GIPPSLAND  
SHIRE COUNCIL**  
28 JUN 2013  
*Copy sent to all councillors & CEO*

Dear Kieran,

Please find enclosed a copy of a letter I recently sent to Andrea Wrigley - ( Property Projects Officer – Shire of South Gippsland ) - expressing my views on the proposed sale of Lot 2, 18 Main Street, Buffalo.


I will also be sending a copy of this and this covering letter to all Councillors and to CEO for tabling at the August 21<sup>st</sup> 2013 Council Meeting ...  
( I am unable to attend to speak as I will be overseas at that time! )

I am hoping Council votes to **remove** Lot 2, 18 Main Street, Buffalo from the "Blocks For Sale Agenda" and **keep** it for the Buffalo Community because once it's gone Council will never get it back!!

This block is adjacent to Hall Road on the approach to the Buffalo Community Centre and provides a great opportunity to improve the road itself (widening) for safer road travel and providing more parking for the BCC and improving the vista of this wonderful facility as well as the previous benefits listed in Andrea's Letter.

I am aware that Council needs to realise some of its property assets but lot of money from this area already flows to the Shire in rate revenue and Buffalo community shouldn't be penalised for any shortcomings. I ( and hopefully all shire councillors ) don't consider this block to be surplus to its needs and I hope we can retain this block for the Buffalo Community now and for future generations and as I said before ... "Once it is gone ... it's gone forever ... we will never get it back!"

Thanking you,  
yours sincerely,

  
Ian Benson (0428 529 318)

**Attachment 6**  
**Submission 5 – 18 Main Street, Buffalo**

270 Bartons Road  
Buffalo 3958  
30 May 2013

Andrea Wrigley  
Property Projects Officer  
South Gippsland Shire Council  
Private Bag 4  
Leongatha 3953.

Dear Andrea,

I have received a circularised copy of your letter to the Buffalo Mechanics Institute regarding the South Gippsland Shire Council Strategic Land Review Notification of proposed sale of land and submission process and spoke to Chris and told her my views on the subject and have now put them on paper.

I would like the Shire of South Gippsland to keep 18 Main Street Buffalo, as it is the Shire's only presence in Buffalo to my knowledge and develop it into an open space / community park / playground / picnic area as was the aim when it originally purchased the block.

This would enhance the vista to the Buffalo Community Centre which is currently hidden from view by the roadside growth and could possibly accommodate a fire refuge area for same with the added bonus of a wider Hall Road providing additional car parking for users of the BCC.

The BCC hosts wedding receptions and a park like setting would provide photographic opportunities for Bridal Parties and space for guests to relax.

At the moment it seems the Shire Council doesn't need No 18 or hasn't any major plans for it so release it to the "Buffalo Community" to utilise for their benefit ... ( as above ) ... community garden ... market space ... heritage orchard .....!!

If it is sold ... then use the money raised to benefit ... Buffalo!!

Your sincerely,

Ian Benson (ph: 0428 523 318)

**Attachment 7**  
**Submission 6 – 1 Pioneer Street, Foster**

Copy Mayor  
COUNCILLOR KIERAN KENNEDY

SOUTH GIPPSLAND  
SHIRE COUNCIL  
24 JUN 2013  
copy sent to  
All Councillors  
& CEO

Phone: (03) 5682 2759

1 McDonald Street,  
Foster. Vic. 3060.  
19<sup>th</sup> June, 2013.

Chief Executive Officer,  
South Gippsland Shire Council,  
Private Bag 4,  
LEONGATHA. Vic. 3953.

Dear Sir,

South Gippsland Shire Council Strategic Land Review  
Notification of Proposed Sale of Land and Submission Process

Reference is made to Ms. Wrigley's letters of the 16<sup>th</sup> May, 2013  
(to which I replied on 20<sup>th</sup> May but didn't receive an  
acknowledgement) and 30<sup>th</sup> May, and your advertisement in  
today's "Mirror" under "Noticeboard".

As I live directly opposite the land referred to as No. 1 Pioneer  
Street, Foster, the proposed sale of this land would affect myself  
and the Secondary College the most. I wish to again state my  
objections to the Council's proposed sale of this land, as follows:-

1. The land concerned is not of dimensions that would  
attract private buyers. I believe the properties at Nos. 1A  
and 3 Pioneer Street are already owned by the Ministry of  
Housing, and as such the Ministry may be the only  
interested purchasers of the land, particularly as the  
property adjacent to the land number 1 is numbered 1A.  
If this was the case the Ministry might want to further  
develop the land, and further public housing directly  
opposite a school is not a good idea, and one which I  
would be strongly opposed to. Also there is currently a  
footpath through the land, and that footpath would need  
to be removed and a new one constructed beside the

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**Attachment 7**  
**Submission 6 – 1 Pioneer Street, Foster**

roadway, thus further reducing the size of the land proposed for sale.

2. Sale of the land would mean additional traffic and noise and create a traffic hazard by obstructing the view of traffic coming down Hoddle Road and cars turning into and from Pioneer Street, thus making crossing the road very difficult and dangerous. With so much emphasis being placed on road safety these days I am sure the Police and Vicroads would also be interested in this aspect.
3. There is no footpath on the left hand side of the road between Cooper Road and Main Street, therefore it is necessary for me to cross the road to go to the shopping centre. As I am now disabled and need to use a walker I am already finding it very difficult to cross the road in safety with the amount of traffic and speed at which drivers travel down Hoddle Road, and additional traffic and reduced visibility down Hoddle Road and turning traffic from and into Pioneer Street would make this even more difficult and dangerous, and besides myself this would also impact on the Secondary College.
4. I value my privacy and sale of the land would restrict this, particularly if it were to be purchased by the Ministry of Housing and further developed.
5. Many elderly people live in this area, and often on their health and exercise walks need to stop and rest. The seat now in this area affords them the opportunity to do so.
6. Foster is a very pretty area, and the land known as No. 1 Pioneer Street contributes to this. Many people visiting Foster have commented on the fact of how nice it is to leave the shopping area and begin their drive to The Prom surrounded by greenery rather than wall-to-wall buildings.

**Attachment 7**  
**Submission 6 – 1 Pioneer Street, Foster**

Most importantly I think the proposed sale of the land would create a traffic hazard.

The forgoing are my objections, and I feel these comments should be taken into consideration before the Council decides to sell the land.

Yours faithfully,

*K. Telford*

(Mrs.) K. TELFORD.

Copies to All South Gippsland Councillors –  
Councillor Moyha Davies  
Councillor Jeanette Harding  
Councillor Kiernan Kennedy (Mayor)  
Councillor Lorraine Brunt  
Councillor Robert Newton  
Councillor Andrew McEwan  
Councillor Jim Fawcett  
Councillor Don Hill  
Councillor Nigel Hutchinson-Brooks

Attachment 8  
Submission 7 – 1 Pioneer Street, Foster

<p>SOUTH GIPPSLAND SHIRE COUNCIL 28 JUN 2013</p>
<p>SUBMISSION TO SOUTH GIPPSLAND SHIRE COUNCIL</p>
<p>THAT IT NOT PROCEED WITH ITS PROPOSED SALE OF 1 PIONEER STREET, FOSTER.</p>
<p>FROM G.L. + M. ROOTSEY, 1 COOPERS RD. FOSTER.</p>
<p>PREAMBLE :-</p>
<p>1.0 THE PROPERTY AT ISSUE ABUTS THE INTERSECTION OF PIONEER ST, COOPERS RD. AND MIDDLE RD. AND IS ACROSS THE STREET FROM THE FRONT ENTRY TO THE SOUTH GIPPSLAND SECONDARY COLLEGE.</p>
<p>2.0 THE INTERSECTION CARRIES A CONSIDERABLE NUMBER OF VEHICLES AND PEDESTRIANS AT THE START AND FINISH OF EACH COLLEGE DAY.</p>
<p>3.0 PRESENTLY THE BLOCK IS GRASSY AND OPEN ASIDE FROM TWO WOODEN ELECTRIC LIGHT POLES. GENERALLY THERE'S A CLEAR VIEW OF, AND FROM THE NEARBY ROADWAYS, THOUGH THE APPROACH FROM THE NORTH ALONG MIDDLE RD POSES SOME PROBLEMS.</p>
<p>SUBMISSION :-</p>
<p>1.0 THE SALE OF THE PROPERTY HAS SAFETY IMPLICATIONS.</p>
<p>2.0 THE PURCHASER WILL EXPECT TO BUILD ON THE PROPERTY CONSISTENT WITH COUNCIL'S PLANNING REGULATIONS. ON THIS POINT WE SUBMIT COUNCIL'S PROCEDURES TO DATE HAVE</p>
<p>1. P.T.O.</p>

**Attachment 8**  
**Submission 7 – 1 Pioneer Street, Foster**

2.

GIVEN WOULD-BE-BUYERS UNREALISTIC EXPECTATIONS, FOR

3.0 APPLICATION OF THE SAME 'SET BACK SITING REGULATIONS', AT 1 PIONEER STREET, AS WERE COMPLIED WITH ACROSS THE CORNER AT 1 COOPERS ROAD WOULD WE SUBMIT LEAVE INADEQUATE SPACE FOR A CONVENTIONAL HOUSE, OUTBUILDINGS AND FENCES. (SEE ACCOMPANYING AERIAL PHOTO) AND

4.0 IF COUNCIL'S SET-BACK REQUIREMENTS WERE AMENDED TO PERMIT A DWELLING ETC TO BE BUILT, THE PRESENT REASONABLY OPEN ASPECT WOULD CHANGE SIGNIFICANTLY. THAT SUCH STRUCTURES WOULD BLOCK THE VIEW OF MOTORISTS AND PEDESTRIANS USING ADJACENT ROADS AND FOOTPATHS MUST WE SUBMIT BE APPARENT TO COUNCIL'S ENGINEERS AND TRAFFIC OFFICERS. AND,

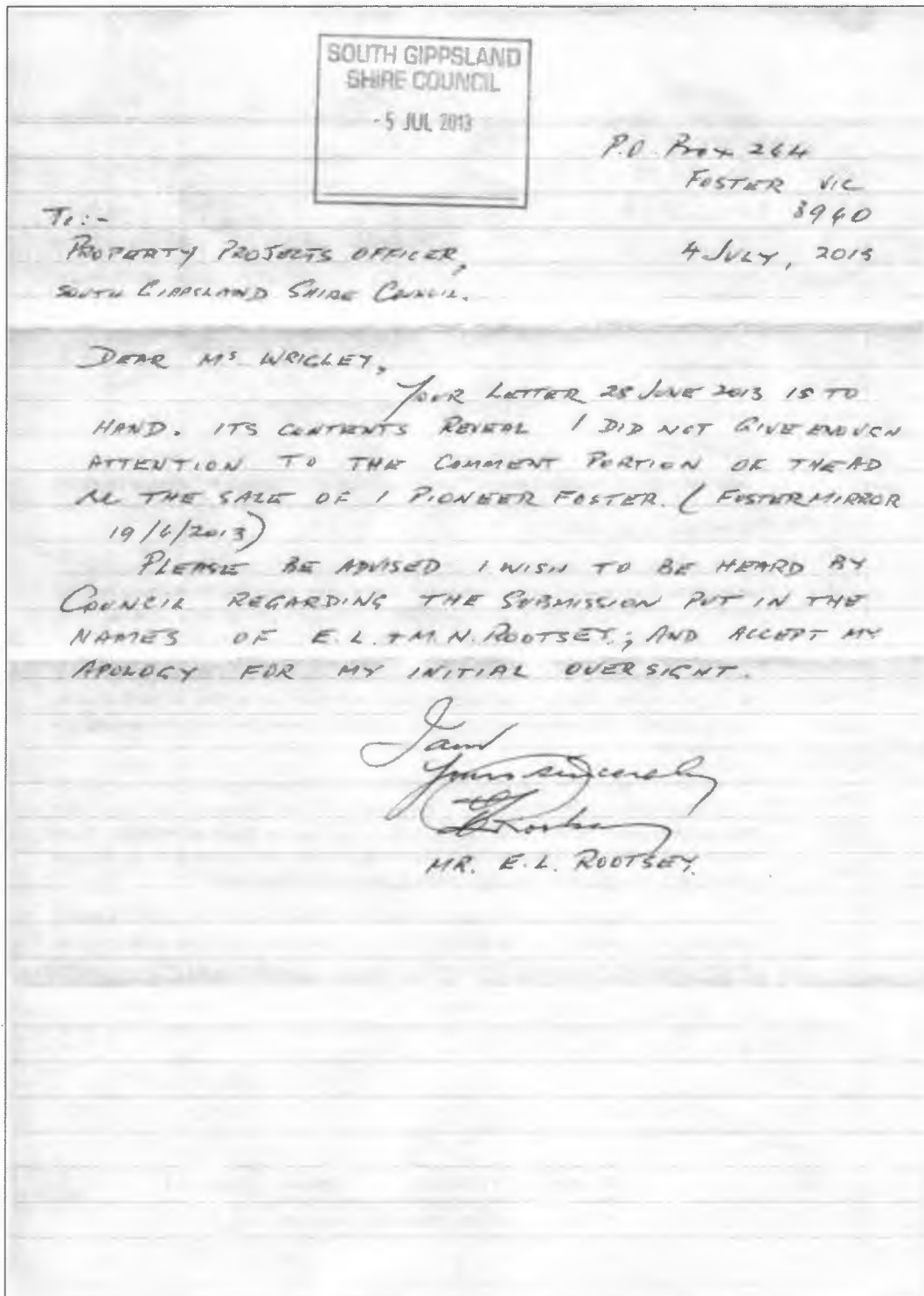
5.0 LEADS US TO CONCLUDE THE DECISION TO SELL THE LOT, 1 PIONEER ST FOSTER, WAS PART OF A GENERAL DECISION DIRECTED TO RAISING REVENUE, RATHER THAN A CONSIDERATION OF ALL PROS AND CONS PERTAINING TO THE PROPOSED SALE.

6.0 FINALLY WE SUBMIT THE LOSS OF REVENUE ACCOMPANYING A NON-SALE IS MINISCULE IN TERMS OF COUNCIL'S ANNUAL BUDGET. AND

7.0 ACCEPTANCE OF OUR SUBMISSION FOR THE STATUS QVO IS MERITED FROM A SAFETY PERSPECTIVE. RETENTION OF SOME OPEN SPACE IS A BONUS FOR THE TOWN. *Robert Rod Rosty*



**Attachment 8**  
**Submission 7 – 1 Pioneer Street, Foster**



**Attachment 9**  
**Submission 8 – 1 Pioneer Street, Foster**



Mr Tim Tamlin, CEO  
South Gippsland Shire Council  
Private Bag 4  
Leongatha, Vic. 3953

27 June 2013

## South Gippsland Secondary College

Web site: [www.sgsc.vic.edu.au](http://www.sgsc.vic.edu.au)

SOUTH SHIP AND  
- 1 JUL 2013

**Re: 1 Pioneer St, Foster, Lot 1 LP87250**

Dear Mr Tamlin

I write on behalf of the South Gippsland Secondary College School Council. The proposal to sell the block of land on the corner of Pioneer St and Hoddle Road was discussed by School Council at the general meeting this week.

This block, 1 Pioneer St, Foster, Lot 1 LP87250, is located opposite the College and on an intersection accessed by many teachers, parents and busses during school hours. The Prom Coast Children's Centre, Foster Primary School, the South Gippsland Shire Works Depot and South Gippsland Water are all located on Pioneer St, adding to the traffic using this intersection during the day.

Members of School Council expressed concern about the proposal. Currently, the vacant land on the corner provides high visibility for all traffic, including pedestrians and bicycles. A building and/or fencing will restrict this visibility and increase the possibility of an accident at an intersection which is already busy.

The school bus operators who use the intersection share the concerns expressed by School Council. A key issue is the risk posed for busses entering Hoddle Rd from Pioneer St, particularly when turning right towards Toora and Welshpool. Traffic coming from the Foster end of Hoddle Street appears from around a bend in the road very quickly, leaving little time for busses to turn. Reduced visibility will add to this risk and greatly impede the safety of this intersection.

The V-Line bus service exits from Pioneer St to Hoddle Rd three times per day, and the operator, who also has a school bus, commented on the increased danger posed for the public transport service if visibility is reduced at the intersection.

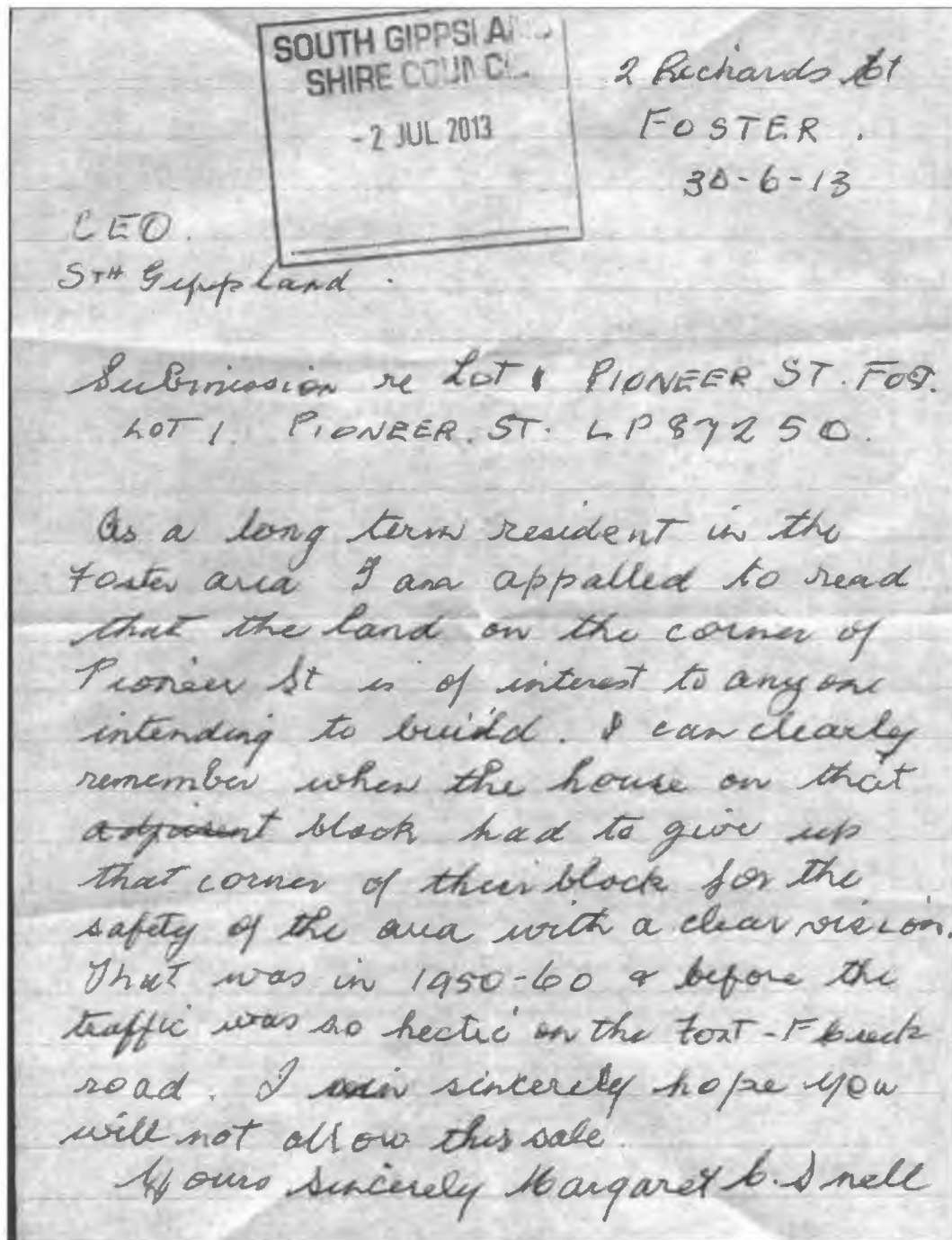
I encourage South Gippsland Shire Council to take the time to assess the safety aspects of the intersection before selling this block of land for building purposes. Please contact me at South Gippsland Secondary College if you wish to discuss the matter further.

Yours sincerely  
  
Cheryl Glowrey  
Principal


P.O. Box 23  
Telephone: 03 5682 2066  
Email: [south.gippsland.sc@edumail.vic.gov.au](mailto:south.gippsland.sc@edumail.vic.gov.au)  
Principal: [glowrey.cheryl.a@edumail.vic.gov.au](mailto:glowrey.cheryl.a@edumail.vic.gov.au)

Foster Vic 3960  
Facsimile: 03 5682 2504


Attachment 10  
Submission 9 – 1 Pioneer Street, Foster



**Attachment 11**  
**Submission 10 – 1 Pioneer Street, Foster**



The Chief Executive Officer  
South Gippsland Shire Council  
9 Smith St  
Leongatha  
Vic 3953



**SOUTH GIPPSLAND  
SHIRE COUNCIL**  
- 4 JUL 2013


Foster Community Association  
PO Box 109  
Foster 3960

Phone 03 5482 2880  
fca3960@gmail.com  
www.foster.vic.gov.au

1 July 2013

**SUBMISSION TO SOUTH GIPPSLAND SHIRE COUNCIL**

**Re: PROPOSED SALE OF LAND AT 1 PIONEER ST FOSTER**



At a meeting on 17 June 2013, Foster Community Association members voted to urge South Gippsland Shire Council to retain ownership of the small triangular piece of land on the north corner of Pioneer St and McDonald St, Foster.

Foster Community Association (FCA), formed in 1998, has a proud record of resident engagement in caring for and improving the aesthetic and common amenity of our vibrant and community focussed township; which also attracts many tourists.

Foster is a rapidly growing town and in this context, FCA take the strong view that maintaining open space, shared pedestrian access to the town's amenities and clear visibility are important features of a friendly and accessible town for residents and tourists alike.

**Attachment 11**  
**Submission 10 – 1 Pioneer Street, Foster**

1 Pioneer St. has been owned and maintained by the Shire Council for many years. At present it is a grassed area without buildings or vegetation apart from a few bushes along the fence of the adjoining property. There is a paved walkway running along this fence line, which is a popular short cut to McDonald Street appreciated by the elderly residents of Pioneer St. and also used by the Secondary College students. The open space at present also provides unimpeded vision for vehicle traffic turning right, which is particularly relevant as school buses use this intersection.

FCA is concerned about potential implications of sale of the land, including that:

- Foster would lose precious open space and yet gain no benefit from this sale as we are advised any money raised from the sale would be allocated to general revenue, not Foster.
- Private ownership may mean a building is constructed reducing vision, open and common space.
- Or it may mean the block suffers a lack of maintenance becoming not only an eye-sore of weeds and long grass but a safety hazard in bushfire season. Either way, the Foster public is displaced by private interests.

FCA understands the proposal to sell the land is proposed as a cost saving measure and so take the opportunity to point out the following:

- The pavement would have to be re-routed around the block considerably reducing the size of the land available for sale. While no valuation of the land is available this requirement would reduce any income derived from the sale of this property. We have been advised that an estimate of the cost of paving would be about \$30,000.
- Power lines transect the property.
- Maintenance costs such as cutting the grass appears to be one of the issues but the surrounding verges and crown land down to Stockyard Creek will still have to be mown.

Local residents are keen to keep this small piece of open space. We urge Council to maintain 1 Pioneer Street as it currently is and welcome the opportunity to discuss how FCA and other community groups might enhance this small but important green corner of Foster.

The Foster Community Association will not be attending the Special Meeting on 21 August 2013.



Jill Plowright

President

**Attachment 12**  
**Submission 11 – 1 Pioneer Street, Foster**

6<sup>th</sup> July, 2013

SOUTH GIPPSLAND  
SHIRE COUNCIL  
10 JUL 2013

CEO  
South Gippsland Shire  
Private Bag 4,  
Leongatha  
Vic 3953

Dear Sir,

Re the proposed sale of land at 1 Pioneer Street, Foster.

I oppose the sale of the land at 1 Pioneer Street, Foster on a number of grounds, the most important being the safety of our school children. The corner block of land is opposite South Gippsland Secondary College and a short distance from Foster Primary. Many children cross this intersection daily and with the possible construction of a residence and a fence on the side boundary, visibility for both driver and pedestrian would be greatly reduced and the chance of an accident greatly increased.

Other reasons for my objection include:-

- green spaces in close proximity to town should be valued and protected
- the integrity of the block could be compromised through inappropriate block development
- removing this green space diminishes the welcome to our town from Wilsons Promontory
- development of the land would remove a pleasant open vista
- construction options on a narrow, awkward shaped corner block would be limited.

Yours faithfully,  
  
Annette Walker  
3 Coopers Road  
Foster, Vic 3960

## **CLOSED SESSION**

### **Consideration of confidential matters under the Local Government Act 1989, Section 89(2).**

According to Section 89 of the Local Government Act 1989 (the Act), Council may consider items in closed session. There must be a resolution to move 'In Committee' stating the reasons why the matter(s) need to be considered in this way. The reasons provided for within the Act are matters concerning personnel, personal hardship, industrial issues, contracts, proposed developments, legal advice or any other matter that Council considers would be prejudicial, to it or any other person.

Once 'In Committee' discussions and debate have concluded, a further resolution to resume open Council is required.

**Nil**

## **SECTION C - MEETING CLOSED**

### **NEXT MEETING**

The next Ordinary Council Meeting open to the public will be held on Wednesday, 28 August 2013 commencing at 2pm in the Leongatha RSL, Leongatha.

**Meeting closed at 1.17pm.**

**CONFIRMED:.....**

**CR KIERAN KENNEDY – MAYOR**

**Date:.....**