



COUNCIL MINUTES

**ORDINARY MEETING NO. 405
WEDNESDAY 24 AUGUST 2016
LEONGATHA RETURNED SERVICEMAN LEAGUE (RSL)
COMMENCED AT 2PM**

PRESENT:

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

APOLOGY: Chief Executive Officer, Mr Tim Tamlin

OFFICERS:

Anthony Seabrook	Acting Chief Executive Officer
Bryan Sword	Director Development Services
Jan Martin	Director Community and Corporate Services
June Ernst	Coordinator Corporate Planning and Council Business
Natasha Berry	Corporate and Council Business Officer
Jodi Cumming	Corporate and Council Business Officer
Rick Rutjens	Coordinator Media & Communications
Danny McDonald	Manager Economic Development, Tourism & Customer Service
Chris Van Der Ark	Manager Sustainable Communities

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

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Anthony Seabrook
Acting Chief Executive Officer

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SECTION E - COUNCIL REPORTS

E.1 **2016/17 LAND SALES PROGRAM – CONSIDER AND DETERMINE SUBMISSIONS – STRATEGIC REVIEW OF LANDHOLDINGS PROJECT**

Sustainable Communities and Infrastructure Directorate

STAFF DISCLOSURE OF INTEREST

Jan Martin, Director Corporate and Community Services has an indirect conflict of interest with Council Agenda Item E.1 2016/17 LAND SALES PROGRAM – CONSIDER AND DETERMINE SUBMISSIONS – STRATEGIC REVIEW OF LANDHOLDINGS PROJECT – property number 3 – 5 Sloan Avenue, Leongatha by way of conflicting duty (Local Government Act 1989, Section 77A(3)(c)) as she is a Board member on the Gippsland Southern Health Service.

EXECUTIVE SUMMARY

Council resolved at its meeting on 25 May 2016 to commence the statutory procedures for the proposed 2016/17 Land Sales Program as listed in **Attachment 1 – Proposed 2016/17 Land Sales Program**.

This commenced with public notices pursuant to Ss. 189 and 223 of the Local Government Act 1989. The date for receipt of submissions pursuant to s. 223 of the Local Government Act 1989 was 6 July 2016.

A total of 315 submissions were received with the vast majority relating to the sale of 29 River Drive, Tarwin Lower. Of these, 20 submitters elected to be heard in support of their submission. The submissions were heard in closed session at a Special Meeting of Council on 13 July 2016.

This report provides Council with a summary of the main issues from all submissions to enable Council to proceed to consider and determine them. Copies of the submissions are included in **Appendix 1 – All 223 Submissions**.

A proposal is also made to remove 29 River Drive, Tarwin Lower from the 2016/17 land sales process for consideration by Council.

Document/s pertaining to this Council Report

- **Attachment 1** – Proposed 2016/17 Land Sales Program.
- **Appendix 1** – All Section 223 Submissions.

LEGISLATIVE / ACTION PLANS / STRATEGIES / POLICIES

Local Government Act 1989 (Sections 189 and 223).

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INTERNAL POLICIES / STRATEGIES / DOCUMENTS

- C34 Council Land Ownership Policy 2016 – [web link](#).
- Strategic Review of Landholdings Project.

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

A public notice pursuant to Section 189 and 223 of the Local Government Act 1989 was advertised in the local papers edition 7 June 2016. Submissions closed 6 July 2016 (the Proposal).

Prior to releasing the Proposal, the proposed 2016/17 Land Sales Program was placed on Council's website together with the evaluation matrix, scores for the listed properties, and a media release.

Correspondence was sent to land owners within the vicinity of the subject properties notifying them of the Proposal and the timing for lodging of submissions.

Telephone discussions were held with representatives of the Tarwin River Craft Group (property 29 River Drive, Tarwin Lower) informing them of the Proposal. The Craft Group were advised that the advertising of a public notice did not mean Council had determined that 29 River Drive, Tarwin Lower would be sold but simply sought feedback from the broader community on its views for the current and future use of the listed properties. Council offered to meet with the Craft Group to discuss the Proposal but this offer was not taken up.

Following the public notification, general enquiries relating to the Proposal were answered by email and telephone.

REPORT

Background

The proposed 2016/17 Land Sales Program is the second round of land sales. The first round commenced in the 2015/16 financial year and included 23 properties. When considering the s.223 process for this latest round of land sales, Council considered its experience with the first round of land sales and resolved at its meeting on 25 May 2016 to:

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- “1. HEAR SUBMITTERS WHO HAD ELECTED TO SPEAK TO THEIR SUBMISSIONS AT A SPECIAL MEETING OF COUNCIL IN CLOSED SESSION (AS OPPOSED TO A SPECIAL COMMITTEE OF COUNCIL).
2. CONSIDER SUBMISSIONS AND DETERMINE AT THE NEXT AVAILABLE ORDINARY COUNCIL MEETING IN OPEN SESSION.
3. AGREE TO PREPARE AND SELL THOSE PROPERTIES THAT DID NOT ATTRACT SUBMISSIONS IN ACCORDANCE WITH SECTIONS 189 AND 223 OF THE LOCAL GOVERNMENT ACT 1989 BY WAY OF PRIVATE TREATY OR PUBLIC SALE.”

Discussion

Hearing of Submissions

One of the purposes of the submission process is to draw information from a broad range of our community that can enlighten Council on historic factors and allow Council to formally consider the public views.

A total of **315 submissions were received** to the public notices. All submissions are summarised by Property in Table 1 below and copies of these submissions are available in **Appendix 1 – All Section 223 Submissions**.

Table 1: Summary of All Submissions by Property

#	Property	For	Against	Total
1)	29 River Drive, Tarwin Lower	0	295	295
2)	3-5 Marine Parade, Venus Bay	0	11	11
3)	5 Sloan Avenue, Leongatha	1	3	4
4)	Sutherland Lane, Welshpool	0	2	2
5)	6A Warralong Court, Leongatha	1	0	1
6)	13 Symmons Street, Leongatha	1	0	1
7)	11 Smith Street, Loch	1	0	1
	TOTAL SUBMISSIONS	4	311	315

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Notes:

1. Of the 295 submissions received against the proposed sale of 29 River Drive Tarwin Lower, 275 were pro-forma (pre-printed) submissions mostly signed by visitors to the area after being approached in the street and had no direct interest or knowledge of this particular property.
2. No submissions were received for 82A Victoria Street, Toora. This means Council can proceed to remove the reservation status, create appropriate easements, and prepare the property for sale in accordance with its resolution of 25 May 2016.

The 3 properties that submitters elected to speak to were:

1. 29 River Drive Tarwin Lower,
2. 3-5 Marine Parade Venus Bay, and
3. 5 Sloan Avenue Leongatha.

Council heard the submitters at its Special Meeting of Council on 13 July 2016.

A summary of the main concerns of these submissions are provided below:

Submissions that were heard

1. 29 River Drive, Tarwin Lower

Main concerns:

- A market is held on the site and funds generated from the market help to support the adjacent Mechanics Hall.
- The community come together at the market.
- Local flora needs to be preserved.
- Tour de Tarwin is held on the site.
- The craft shop members donate funds to community groups within the district.
- The school bus and mobile library park on the site.
- The site was donated by the Fisher Family.
- The Shire of Woorayl loaned \$9,000 to a community group to construct the craft shop.

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General Information:

- The Shire of Woorayl purchased the site for \$15,000 in March 1984.

2. 3-5 Marine Parade, Venus Bay

Main concerns:

a. *Current lack of open space given 5-10% rule and claim Venus Bay has less than 2% Public Open Space (POS).*

Council has completed a desktop assessment into the amount of POS in Venus Bay. The assessment revealed that the total amount of Public Open Space from Council land and Crown land is approximately 49%.

b. *Stewardship Programs - that enables neighbouring landholders to maintain and enhance their local areas of Public Open Space.*

Some residents of Venus Bay have registered as Council Volunteers but there is no formal agreement in place for these volunteers and/or residents to maintain Council reserves.

c. *Consolidation and connecting of public open space to Council land would protect and preserve flora and fauna in particular native grasses*

Council's planning scheme is the trigger for the protection of native vegetation and development.

3. 5 Sloan Avenue, Leongatha

The submission against the Proposal was because of the historical use of the site as a playground and existing playground equipment.

The submission in favour of the Proposal was for the benefit of the Land in becoming part of a development to extend the Hospital adjacent to the site.

OTHER SUBMISSIONS (not heard)

4. Sutherland Lane, Welshpool

Submissions that opposed the sale of the site were on the basis that the site is required for community space in connection with the Great Southern Rail Trail and required to be developed in future.

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5. 6A Warralong Court, Leongatha

Council received one submission expressing an interest in purchasing the site.

6. 13 Symmons Street, Leongatha

Council received one submission expressing an interest in purchasing the site.

7. 11 Smith Street, Loch

Council received one submission advising that the site was transferred to Council by the Loch Hall Trustees for the purpose of the discharge of effluent from the Hall and Kindergarten. The submission does not oppose the sale of the site.

Proposal

It is proposed that Council:

1. Having heard submissions at its Special Meeting on 13 July, proceed to consider and determine all submissions.
2. In attending to 1 above, consider removing 29 River Drive, Tarwin Lower from the 2016/17 land sale process due to:
 - a. the ongoing use of the site for community purposes (markets); and
 - b. the existing interest of Riverside Craft Shop.
3. Negotiate a ground lease over part of 29 River Drive, Tarwin Lower land with the Riverside Craft Shop in accordance with Council's Leasing Policy.

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RECOMMENDATION

That Council:

1. Sell / not sell the following properties as part of the Strategic Review of Landholdings Project:

PROPERTY NO.	PROPERTY & LEGAL DESCRIPTION
1)	<p>29 River Drive Tarwin Lower being the land described in Certificate of Title Volume 2470 Folio 902 being crown allotment 3 Section 1 Township of Tarwin Lower and Parish of Tarwin.</p> <p>Not Sell</p> <p>Lost/Carried/Carried Unanimously</p> <p>For: Councillors</p> <p>Against: Councillors</p>
2)	<p>3-5 Marine Parade Venus Bay being the part of the land described in Certificate of Title Volume 9900 Folio 612 being Reserve 1 PS56447.</p> <p>Sell / Not Sell</p> <p>Lost/Carried/Carried Unanimously</p> <p>For: Councillors</p> <p>Against: Councillors</p>
3)	<p>5 Sloan Avenue Leongatha being the land described in Certificates of Title Volume 8649 Folio 900, Volume 8649 Folio 901 and Volume 8649 Folio 902 being 106, 107 & 108 LP58798.</p> <p>Sell / Not Sell</p> <p>Lost/Carried/Carried Unanimously</p> <p>For: Councillors</p> <p>Against: Councillors</p>

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4)	<p>Sutherland Lane Welshpool(Rear of Main Street) being the land described within Certificate of Title Volume 9999 Folio 030 and Certificate of Title Volume 3419 Folio 611 being Lot 1 TP145202Q and Lot 16 PS4756.</p> <p>Sell / Not Sell</p> <p>Lost/Carried/Carried Unanimously</p> <p>For: Councillors</p> <p>Against: Councillors</p>
5)	<p>6A Warralong Court Leongatha being the land described within Certificate of Title Volume 9583 Folio 578 being Reserve 1 PS 145738.</p> <p>Sell / Not Sell</p> <p>Lost/Carried/Carried Unanimously</p> <p>For: Councillors</p> <p>Against: Councillors</p>
6)	<p>13 Symmons Street Leongatha being the land described within Certificate of Title Volume 11183 Folio 262 being Lot 2 PS 448872Q.</p> <p>Sell / Not Sell</p> <p>Lost/Carried/Carried Unanimously</p> <p>For: Councillors</p> <p>Against: Councillors</p>
7)	<p>11 Smith Street, Loch being the land described in Certificate of Title Volume 4523 Folio 503 being Lot 7 Section F PS001887 by way of private treaty or by public sale.</p> <p>Sell / Not Sell</p> <p>Lost/Carried/Carried Unanimously</p> <p>For: Councillors</p> <p>Against: Councillors</p>

2. Agree that Council's decision to sell or not to sell either of the properties listed in item 1 above includes consideration to the following reasons:

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- a. That each property has been thoroughly assessed using the Evaluation Matrix that was adopted by Council on 23 July 2014.
 - b. The Evaluation Matrix was the subject of public consultation and the feedback received from the community was used to inform the evaluation criteria.
 - c. The matters raised in each submission were appropriately addressed in the evaluation phase.
 - d. That Council has followed the requirements of the Local Government Act 1989 (Sections 189 and 223).
 - e. The determination made is consistent with the objectives of the Council's Land Ownership Policy.
 3. Notify each submitter of Council's determination and the reasons as listed in recommendation 2(a)-(e) above.
 4. Note that there were no submissions received for 82A Victoria Street Toora being the land described within certificate of title volume 9083 folio 249 that will be prepared for sale.
 5. Negotiate the terms of a ground lease over part of 29 River Drive, Tarwin Lower with the Riverside Craft Group.
 6. As required, commence the processes to rezone and/or remove the reservation status from those listed properties listed in item 1 and 4 above that Council has resolved for sale and create or remove easements as required.
 7. Sell those properties resolved for sale in item 1 above by way of private treaty or by public sale.
 8. Authorise the Chief Executive Officer to sign and seal all documentation relating to the sale and transfer of the properties resolved for sale in items 1 and 4 above.

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MOVED: Cr Kennedy

SECONDED: Cr Hutchinson-Brooks

THAT COUNCIL:

- 1. NOT SELL THE FOLLOWING PROPERTY AS PART OF THE STRATEGIC REVIEW OF LANDHOLDINGS PROJECT:**

29 RIVER DRIVE TARWIN LOWER BEING THE LAND DESCRIBED IN CERTIFICATE OF TITLE VOLUME 2470 FOLIO 902 BEING CROWN ALLOTMENT 3 SECTION 1 TOWNSHIP OF TARWIN LOWER AND PARISH OF TARWIN.

CARRIED UNANIMOUSLY

MOVED: Cr Fawcett

SECONDED: Cr Brunt

THAT COUNCIL:

- 2. SELL THE FOLLOWING PROPERTY AS PART OF THE STRATEGIC REVIEW OF LANDHOLDINGS PROJECT:**

3-5 MARINE PARADE VENUS BAY BEING THE PART OF THE LAND DESCRIBED IN CERTIFICATE OF TITLE VOLUME 9900 FOLIO 612 BEING RESERVE 1 PS56447.

CARRIED

For: Crs Hutchinson-Brooks, Newton, Davies, Fawcett and Brunt.

Against: Crs Kennedy, Harding, Hill and McEwen.

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Jan Martin, Director Corporate and Community Services left the Council Meeting at 3.00pm with an indirect conflict of interest with Council Agenda Item E.1 2016/17 LAND SALES PROGRAM – CONSIDER AND DETERMINE SUBMISSIONS – STRATEGIC REVIEW OF LANDHOLDINGS PROJECT – property number 3 – 5 Sloan Avenue, Leongatha by way of conflicting duty (Local Government Act 1989, Section 77A(3)(c)) as she is a Board member on the Gippsland Southern Health Service.

MOVED: Cr Fawcett

SECONDED: Cr Hutchinson-Brooks

THAT COUNCIL:

- 3. SELL THE FOLLOWING PROPERTY AS PART OF THE STRATEGIC REVIEW OF LANDHOLDINGS PROJECT:**

5 SLOAN AVENUE LEONGATHA BEING THE LAND DESCRIBED IN CERTIFICATES OF TITLE VOLUME 8649 FOLIO 900, VOLUME 8649 FOLIO 901 AND VOLUME 8649 FOLIO 902 BEING 106, 107 & 108 LP58798.

CARRIED

For: Crs Fawcett, Harding, McEwen, Brunt, Newton, Davies, Hutchinson-Brooks and Hill.

Against: Cr Kennedy

Jan Martin returned to the Council Meeting at 3.07pm.

MOVED: Cr Davies

SECONDED: Cr Hill

THAT COUNCIL SELL THE FOLLOWING PROPERTIES AS PART OF THE STRATEGIC REVIEW OF LANDHOLDINGS PROJECT:

- 4. SUTHERLAND LANE WELSHPOOL (REAR OF MAIN STREET) BEING THE LAND DESCRIBED WITHIN CERTIFICATE OF TITLE VOLUME 9999 FOLIO 030 AND CERTIFICATE OF TITLE VOLUME 3419 FOLIO 611 BEING LOT 1 TP145202Q AND LOT 16 PS4756.**
- 5. 6A WARRALONG COURT LEONGATHA BEING THE LAND DESCRIBED WITHIN CERTIFICATE OF TITLE VOLUME 9583 FOLIO 578 BEING RESERVE 1 PS 145738.**
- 6. 13 SYMMONS STREET LEONGATHA BEING THE LAND DESCRIBED WITHIN CERTIFICATE OF TITLE VOLUME 11183 FOLIO 262 BEING LOT 2 PS 448872Q.**

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- 7. 11 SMITH STREET, LOCH BEING THE LAND DESCRIBED IN CERTIFICATE OF TITLE VOLUME 4523 FOLIO 503 BEING LOT 7 SECTION F PS001887 BY WAY OF PRIVATE TREATY OR BY PUBLIC SALE.**

CARRIED

For: Crs Fawcett, McEwen, Brunt, Newton, Davies, Hutchinson-Brooks and Hill.

Against: Crs Kennedy and Harding.

MOVED: Cr Fawcett

SECONDED: Cr Davies

THAT COUNCIL:

- 8. AGREE THAT COUNCIL'S DECISION TO SELL OR NOT TO SELL EITHER OF THE PROPERTIES LISTED IN ITEMS 1-7 ABOVE INCLUDES CONSIDERATION TO THE FOLLOWING REASONS:**
- a. THAT EACH PROPERTY HAS BEEN THOROUGHLY ASSESSED USING THE EVALUATION MATRIX THAT WAS ADOPTED BY COUNCIL ON 23 JULY 2014.**
 - b. THE EVALUATION MATRIX WAS THE SUBJECT OF PUBLIC CONSULTATION AND THE FEEDBACK RECEIVED FROM THE COMMUNITY WAS USED TO INFORM THE EVALUATION CRITERIA.**
 - c. THE MATTERS RAISED IN EACH SUBMISSION WERE APPROPRIATELY ADDRESSED IN THE EVALUATION PHASE.**
 - d. THAT COUNCIL HAS FOLLOWED THE REQUIREMENTS OF THE LOCAL GOVERNMENT ACT 1989 (SECTIONS 189 AND 223).**
 - e. THE DETERMINATION MADE IS CONSISTENT WITH THE OBJECTIVES OF THE COUNCIL'S LAND OWNERSHIP POLICY.**
- 9. NOTIFY EACH SUBMITTER OF COUNCIL'S DETERMINATION AND THE REASONS AS LISTED IN RESOLUTION 8(A)-(E) ABOVE.**
- 10. NOTE THAT THERE WERE NO SUBMISSIONS RECEIVED FOR 82A VICTORIA STREET TOORA BEING THE LAND DESCRIBED WITHIN CERTIFICATE OF TITLE VOLUME 9083 FOLIO 249 THAT WILL BE PREPARED FOR SALE.**

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- 11. NEGOTIATE THE TERMS OF A GROUND LEASE OVER PART OF 29 RIVER DRIVE, TARWIN LOWER WITH THE RIVERSIDE CRAFT GROUP.**
 - 12. AS REQUIRED, COMMENCE THE PROCESSES TO REZONE AND/OR REMOVE THE RESERVATION STATUS FROM THOSE LISTED PROPERTIES LISTED IN ITEM 1 AND 4 ABOVE THAT COUNCIL HAS RESOLVED FOR SALE AND CREATE OR REMOVE EASEMENTS AS REQUIRED.**
 - 13. SELL THOSE PROPERTIES RESOLVED FOR SALE IN ITEM 1 ABOVE BY WAY OF PRIVATE TREATY OR BY PUBLIC SALE.**
 - 14. AUTHORISE THE CHIEF EXECUTIVE OFFICER TO SIGN AND SEAL ALL DOCUMENTATION RELATING TO THE SALE AND TRANSFER OF THE PROPERTIES RESOLVED FOR SALE IN ITEMS 1 AND 4 ABOVE.**

CARRIED

For: Crs Fawcett, McEwen, Brunt, Newton, Davies, Hutchinson-Brooks, Kennedy and Hill.

Against: Cr Harding

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Attachment 1
Proposed 2016/17 Land Sales Program

1 Lot 7 LP1887 (Smith Street Loch)



2 Reserve 1 LP87706 (82A Victoria Street Toora)



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Attachment 1
Proposed 2016/17 Land Sales Program

3 Lot 16 LP4756 & Lot 1 TP145202 (Rear of Main Street, Welshpool)



4 Lot 2 PS448872 (13 Symmons Street Leongatha)



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Attachment 1
Proposed 2016/17 Land Sales Program

5 106, 107 & 108 LP58798 (5 Sloan Avenue Leongatha)



6 Reserve 1 LP145738 Warralong Court Leongatha



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Attachment 1
Proposed 2016/17 Land Sales Program

7 CA3 Section 1 Parish Tarwin CT 2470/902 (29 River Drive Tarwin Lower)



8 Reserve 1 LP56447 (3-5 Marine Parade Venus Bay)

