

N Tonkin

[REDACTED]

[REDACTED]

January 16, 2022



CEO

Kerryn Ellis

South Gippsland Shire Council

Smith Street

LEONGATHA 3953

RE: Proposed Road Closure- Gardner Lane

Dear Kerryn

We object to the proposal of Road Discontinuance- Gardner Lane Poowong based on the terms as conditions as advised. We object in the strongest possible terms that the replacement road to service 4 businesses and 2 residences be downgraded to a gravel road and see no argument for the justification of reducing the amenity we have had for 25 years.

Firstly, the road Gardner Lane [formerly known as Slaughterhouse Lane] was sealed in 1997 on the basis that a sealed road was a requirement for the abattoirs to gain a licence for access to the export market. On speaking recently with the then former ward Councillor- JT Forbes he indicated that the road was sealed at full cost to the ratepayers as it was deemed a major employer in the Shire and traffic counts justified the sealing of the said road. We suggest that having a gravel road abutting a sealed road will still cause a nuisance to the abattoir and downgrades access to our property. We therefore demand that the replacement road to gain access to our property and businesses be sealed.

Secondly the small cost of sealing the 200 meters of the “new” road should be deemed a reasonable cost and be reflected in the sale price borne out of the selling of the road to the abattoirs. The land being sold to the abattoirs is 3400 square meters and is not going to be used for grazing, horticulture or cropping as such ratepayers would expect indeed demand that the land sold would have its value based on its commercial value and that ratepayers should not be out of pocket for this project. To remind Councillors as to the value of the land compulsorily acquired from NK & BA Tonkin in 2012

2200 square meters

Legal Costs

Valuation

Total \$ 98,202.50 + fencing, revegetation, Council In House costs

This equates to \$ 44.63 a square meter already expended and paid by ratepayers.

In addition, there is another abutting landowner – currently known as the Estate of Agostino’s to also consider in terms of values.

We would like to think that ratepayers will not be subsidizing this project which is a commercial project.

We note that the 2021/22 adopted budget has a \$ 251,000 expenditure item listed for the turning circle works on Gardner Lane- surprisingly there is no indication of any contribution from any source, but one would expect there to be a contribution indeed full cost from the sale of land to the abattoirs. We would and no doubt all ratepayers would appreciate knowing what contribution is being made the purchasers- surely the project would be cost neutral to the ratepayers.

The businesses operating from our property are:

NK & BA Tonkin –	Plumbing
NK & BA Tonkin	Farm
NK & BA Tonkin	Residence
S Tonkin	Paw & More Kennels & Cattery
Contractor	Grooming salon
S Tonkin	Residence

I also wish to be heard in support of my submission

Yours sincerely



N Tonkin

Attachments:

25.05.21	Kathryn Bates
25.06.21	Kerryn Ellis
2021/22	Final adopted budget
16.12.21	Andrea Wrigley
Jan 2012	Acknowledgement & Release

btonkin@dcsi.net.au

From: Kathryn Bates [REDACTED]
Sent: Tuesday, 25 May 2021 1:43 PM
To: [REDACTED]
Subject: RE: Gardner Lane, Poowong

Dear Mr Tonkin,

I can confirm that your email has been provided to Kerry Ellis, CEO of South Gippsland Shire Council.

Regards



Kathryn Bates
Executive Assistant | Executive Office

South Gippsland Shire Council | 9 Smith Street (Private Bag 4) Leongatha VIC 3953
P: 03 5662 9200 | F: 03 5662 3754 | [website](#) | [facebook](#)

From: [REDACTED]
Sent: Monday, 24 May 2021 6:28 PM
To: Council <Council@southgippsland.vic.gov.au>
Subject: Gardner Lane, Poowong

To CEO Kerry Ellis,

Dear Kerry,

Thank you for meeting with Jim Pippey and myself on Tuesday 18/5 to discuss the road re-alignment at Gardner Lane, Poowong.

We find it hard to believe that Council is proposing to only construct a 4.5mt gravel road for the Landowners and Public to use when we have had the use of a sealed road for over 20 years.

If Council is selling the piece of land which has been used as a commercial site for years by the Abattoirs, we would expect at market value there would be enough funds from the sale to construct a wider sealed road for Public use.

Thank you again for your time

Regards
Noel Tonkin

Could you please confirm that the CEO has received this email

Our ref: D4382221
Your ref: D4344821



25 June 2021

Noel Tonkin
[REDACTED]

Dear Noel

Gardner Lane Poowong

Thank you for your email dated 24 May 2021 in relation to Gardner Lane, Poowong.

As discussed at our meeting on 18 May 2021, the new road Council proposes to construct accords with previous discussions with yourself, in that it is designed to separate traffic to your property (and the adjacent D'Agostino property) from abattoir traffic.

At our meeting on 18 May, Council promised to investigate whether it could increase the width of the proposed gravel road. As detailed in the attached drawing, the road is now 5.0m wide in lieu of the previously proposed 4.5m. This is significantly wider than the Infrastructure Design Manual minimum width of 4.0m for a rural gravel road and allows a heavy vehicle to pass a passenger vehicle.

With respect to the road surface finish, Council proposes a gravel surface. As noted at our meeting, the road was originally sealed due to the traffic generated by the abattoir. Council's practice is not to consider sealing roads unless they carry in excess of 150 vehicles per day and there are currently a significant number of roads in the Shire with traffic in excess of that volume, but remain unsealed due to funding constraints.

I also note that the independent valuation of the land which is likely to be subject to a road discontinuance process represents only a small portion of the likely construction cost of the new road to your property.

9 Smith Street (Private Bag 4) Leongatha 3953 – DX 94026 Leongatha
Telephone: (03) 5662 9200 Facsimile: (03) 5662 3754
Email: council@southgippsland.vic.gov.au Website: www.southgippsland.vic.gov.au



I trust this information assists you with your enquiries. If you need to discuss further, please contact John Moylan, Manager Infrastructure Delivery, on (03) 5662 9200 or email council@southgippsland.vic.gov.au.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Kerryn Ellis', written in a cursive style.

Kerryn Ellis
Chief Executive Officer

C:\Users\btok\Downloads\Adopted Budget 2021_22.pdf 140

Page view | Read aloud | Add text | Draw | Highlight

TOTAL PROPERTY								
Capital Works Area	Project Cost	New	Renewal	Upgrade	Expansion	Grants	Contrib.	Council cash
	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000
PLANT AND EQUIPMENT								
Plant, Machinery and Equipment								
79110-11010 - Fleet Purchases	106		106					106
79120-11010 - Plant Purchases	454		454					454
79120-22970 - Immobilisation Trailer	31		31					31
TOTAL PLANT AND EQUIPMENT	591		591					591
INFRASTRUCTURE								
Roads								
82210-Variou - Sealed Rehabilitation	1,004		1,004					1,004
82420-11010 - Gardner Lane Poowong Turning Circle	251		251					251
32420-11010 - Clancy's Road, Korumburra	150		150					150
93220-11010 - Rayson Drive, Leongatha	30				30			30
Footpaths and Cycleways								
03120-38990 - Great Southern Rail Trail - Leongatha to Korumburra	800				800			800

South Gippsland Shire Council Adopted Budget 2021/22

Capital Works | Project Cost | New | Renewal | Upgrade | Expansion | Grants | Contribs | Council | Borrowings

Our ref: EF/18/211



16 December 2021

W Tonkin & Sons Pty Ltd

[REDACTED]

[REDACTED].au

Dear Noel and Barbara Tonkin

Proposed Road Discontinuance - Part Gardners Lane Poowong

Council at its ordinary meeting held 15 December 2021 proposed to commence statutory procedures to discontinue area of 3430m² of Gardner Lane, Poowong being part crown allotment 8 Parish of Poowong, shown hatched in Figure 1 and sell the land from the discontinued road to the adjoining landowner for not less than a valuation received within six months prior to the sale, pursuant to s.206, s.207A, s.223, and Schedule 10 clause 3 of the Local Government Act 1989. (the Proposal).

A person may make a submission to this proposal.

Submissions are to be received no later than 5.00pm Wednesday 19 January 2022 and addressed to the CEO, 9 Smith Street Leongatha Vic 3953. Any person making a submission is entitled to be heard in support of the submission. If a person or a representative wishes to be heard in support of the submission, they must state this in their submission.

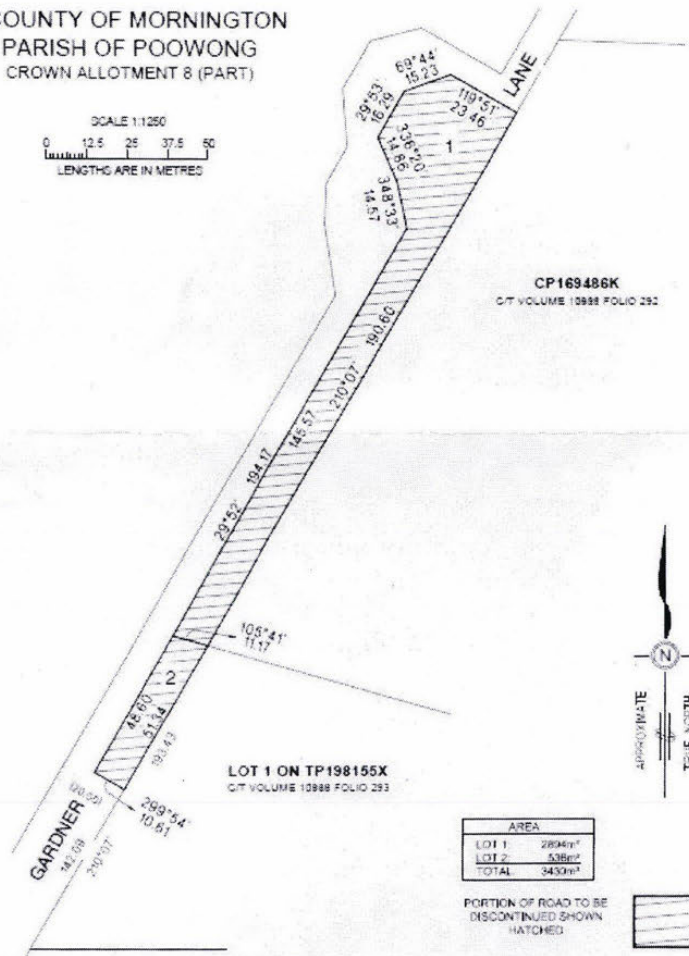
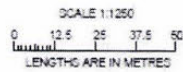
Copies of the submitter's name and address will be disclosed at any public Council meeting at which the proposal will be considered.

If no submissions are received, the proposal will be implemented.



Figure 1

COUNTY OF MORNINGTON
PARISH OF POOWONG
CROWN ALLOTMENT 8 (PART)



AREA	
LOT 1	2894m ²
LOT 2	538m ²
TOTAL	3432m ²

PORTION OF ROAD TO BE
DISCONTINUED SHOWN
HATCHED



Yours sincerely

Andrea Wrigley

Andrea Wrigley
Property Coordinator

1 of 2

ACKNOWLEDGEMENT AND RELEASE

W TONKIN & SONS PTY LTD (ACN 004 897 081) and OWNERS CORPORATION NO1 PLAN NO PS541471Q both of 19 Commercial Road, Korumburra 3950 (called "the Owners")

WHEREAS

- A. The Owners were the registered proprietor of various lands on Plan No PS541471Q;
- B. South Gippsland Shire Council (called "the Council") acquired lands being R1 on PS541471Q and being land previously in the proprietorship of Owners Corporation 1 on the said plan and lands being R2 on PS541471Q being land previously in the proprietorship of W Tonkin and Sons Pty Ltd;
- C. The valuation amounts and costs to be paid to the Owners have been agreed and the Owners have agreed to execute this acknowledgement to evidence the same.

OPERATIVE PART

1. The Council will pay the Owners the following amount in full and complete settlement for claims that the owners shall have pursuant to the Land Acquisition and Compensation Act 1986 and the regulations thereunder, namely:-

a. Compensation for payments of the acquisition of both R1 and R2 hereinbefore described	\$77,477.00
b. Solatium in respect of such acquisition	\$ 7,747.00
c. Valuation fees incurred by the owner	\$ 7,176.00
d. Legal costs incurred by the owner	<u>\$ 5,802.52</u>
Total	<u>\$98,202.52</u>
2. The Owners acknowledges that the Council has paid to the Owners to date, on account of such compensation, the sum of \$30,975.00 leaving a balance of \$67,227.52 due and payable.
3. The Council shall, within 7 days of due execution of this agreement, make payment to the Owners via the Owner's Lawyers, Mahons with Yunken and Yunken, of the sum of \$67,227.52 being the balance due to be paid.
4. The Owners accept that such payment shall be in full and complete settlement of all moneys required to be paid by the Council to the Owners, jointly or individually in connection with the acquisition of the road reserves R1 and R2 inclusive of the compensation sum, solatium and the costs of the Owners in the acquisition.
5. Further to the payments herein, Council will attend to the following works:-
 - a. To fence the new boundary between the property retained by the owners and the road reserve which fence is to be constructed of new materials and to a stockproof standard of the type and kind consistent with the fence lines otherwise existing along the Owner's boundary to the road reserve; and
 - b. To supply and plant gumtrees within that part of the road reserve which abuts the new fence line but which is not proposed to be formed roadway and

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