

From: [James Pippey](#)
To: [Council](#)
Subject: FW: Estate of Angelo d'Agostino deceased- Submission to Proposed Road Discontinuance- Part Gardners Lane, Poowong
Date: Wednesday, 19 January 2022 10:23:45 AM

From: James Pippey [REDACTED]
Sent: Wednesday, 19 January 2022 7:50 AM
To: 'council@southgippsland.com.au' <council@southgippsland.com.au>
Subject: FW: Estate of [REDACTED] deceased- Submission to Proposed Road Discontinuance- Part Gardners Lane, Poowong

From: James Pippey [[mailto:\[REDACTED\]](#)]
Sent: Tuesday, 18 January 2022 9:20 PM
To: 'council@southgippsland.vic.gov.au' <council@southgippsland.vic.gov.au>
Subject: Estate of [REDACTED] deceased- Submission to Proposed Road Discontinuance- Part Gardners Lane, Poowong

The Chief Executive Officer,
Shire of South Gippsland,
LEONGATHA

BY EMAIL ONLY

Dear Madam,

I make this Submission as an executor of the Will of the above-named deceased on behalf of myself and my co-executors, Mr. Leonard, Mr. Leo and Mr. Crawford.

The estate owns the property known as 67 Gardner Lane Poowong (hereinafter referred to as "the Estate Land") which abuts the West side of Gardner Lane. It has a driveway onto the bitumen carriageway part of which is to be discontinued.

We do not object to the Proposal as advertised. Our Submission relates to what is proposed by Council staff to happen after the discontinuance and sale as it affects the Estate Land.

We understand the need for the discontinuance to solve a problem with the GBP land so that loading and unloading can occur on that company's land and not on the road, which we understand is in breach of a Planning Permit condition.

However, we submit that Council Officers, whilst adequately addressing the problem with the GBP land, have failed to properly consider the effect on the Estate Land and the property to the North of the Estate Land. The Agenda Report for Item 4.1 of Meeting No.446 refers to a "proposed new gravel road" without any explanation as to why properties which enjoy the amenity of abuttal to a bitumen sealed carriageway should have that amenity taken away and replaced by abuttal to a gravel carriageway.

The Report notes that consultation took place with GBP and that that company "agreed" with

the proposal .It then goes on to refer to consultation with the owners of the Estate Land (referred to in the Report as “30 Drouin Road, Poowong”) and the other affected property owned by the Tonkin Family .This consultation consisted of a meeting (not initiated by Council Officers, but by Mr. Tonkin) at which Mr. Tonkin and I expressed our vehement opposition to the replacement road being a gravel road. Suggestion was made by Mr. Moylan that the road should be gravel because it would have a low traffic count compared with the various existing gravel roads in the Shire. Whilst comparative traffic counts are clearly relevant to deciding priorities for sealing of unsealed roads, this is an entirely different situation. The replacement is required purely because of a project by Council to solve the problem of the GBP land and should be considered as part of that project. A bitumen road as sought by us should not be treated as part of a general program to seal the unsealed roads in the Shire.

We suggest that the difference in cost between a bitumen sealed road and the proposed gravel road would not be significant. The following factors would make the cost to Council even less than the usual cost of a bitumen road of the length required, namely:-

1. As pointed out in the Report it is only “the majority” of the existing bitumen carriageway which is to be discontinued. The minority of the existing sealed carriageway can be used as part of the road to give access to the Estate Land and the Tonkin Family property.
2. The purchase money to be paid by GBP should go towards cost of the replacement road.

We note that there is an item in the current year’s budget of “\$251,000.00” for Gardner Lane Poowong. We have been unable to ascertain whether the “budget for the construction of the new gravel road” is included in that amount or how much of it is for the proposed gravel road. However, in any event, the Estate Land and the Tonkin Family Land should not suffer a loss of amenity in the manner described above. If the project is to proceed (which we agree it should) the amount (if any) by which the cost of a bitumen road would exceed the cost of a gravel road, taking account of the factors set out in Paras. 1 & 2 above, should be found by Council as part of the cost of the project.

I note that Council’s Purpose, set out at the front of the Minutes of Meeting No. 466, is “to serve in the best interests of the whole Shire, delivering quality services and advocating for community needs”. There is nothing about taking away a service which ratepayers enjoy and replacing it with an inferior service.

In conclusion it is our Submission that Council should resolve to proceed with the discontinuance as advertised, but should pass a subsequent motion to the effect that a bitumen sealed road of 5.5 metres width should be provided for access to the Estate Land and the Tonkin Family Land.

I wish to be heard, representing my co-executors and myself, in support of this Submission.

Yours faithfully,

James Pippey

[Redacted signature block]