



LATROBE CITY COUNCIL

MINUTES FOR THE SPECIAL COUNCIL MEETING

HELD IN NAMBUR WARIGA MEETING ROOM
CORPORATE HEADQUARTERS, MORWELL
AT 6:00 PM ON
18 DECEMBER 2014

SM455

PRESENT:

Councillors: Cr Peter Gibbons, Deputy Mayor West Ward
Cr Sharon Gibson West Ward
Cr Sandy Kam, Mayor East Ward
Cr Graeme Middlemiss Central Ward
Cr Kellie O'Callaghan East Ward
Cr Michael Rossiter East Ward
Cr Christine Sindt Central Ward
Cr Darrell White South Ward

Officers: John Mitchell Acting Chief Executive Officer
Steven Tong Manager Community Liveability
Debbie Tyson Manager Statutory Planning
Alison Coe General Manager Corporate Services
Steven Piasente General Manager Community Infrastructure & Recreation
Sarah Cumming Executive Manager
Amy Phillips Coordinator Executive Office
Rocchina Della Fortuna Acting Council Operations Administration Officer

Henry Morrison

Coordinator Property & Statutory Services

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1. **OPENING PRAYER**
2. **ACKNOWLEDGEMENT OF THE TRADITIONAL OWNERS OF THE LAND**
3. **APOLOGIES AND LEAVE OF ABSENCE**

Cr Dale Harriman, Mayor

4. **DECLARATION OF CONFLICT OF INTEREST**

NIL

5. **ADOPTION OF MINUTES**
6. **PUBLIC QUESTION TIME**

Suspension Of Standing Orders

Moved: Cr Kam
Seconded: Cr O'Callaghan

That Standing Orders be suspended to allow members of the gallery to address Council in support of their submissions.

CARRIED UNANIMOUSLY

Standing Orders were suspended at 6.01 PM.

Mr Peter Willis addressed Council in relation to Item 6.1 - Proposed Public Highway Declaration - Deakin Lane, Traralgon.

Moved: Cr Middlemiss
Seconded: Cr Sindt

That Mr Peter Willis be granted an extension of speaking time.

CARRIED UNANIMOUSLY

Moved: Cr Middlemiss
Seconded: Cr Sindt

That Mr Peter Willis be granted an additional extension of speaking time.

CARRIED UNANIMOUSLY

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Moved: Cr Middlemiss
Seconded: Cr White

That Mr Peter Willis be granted an additional extension of speaking time.

CARRIED UNANIMOUSLY

That Council adjourns the meeting for a period of time to allow Councillors time to consider the submission.

Moved: Cr Gibson
Seconded: Cr O'Callaghan

CARRIED UNANIMOUSLY

Meeting adjourned at 6.23 pm.

That Council resumes standing orders.

Moved: Cr O'Callaghan
Seconded: Cr White

CARRIED UNANIMOUSLY

Meeting resumed at 6.46 pm.

OFFICE OF THE CHIEF EXECUTIVE

7. OFFICE OF THE CHIEF EXECUTIVE

**6.1 PROPOSED PUBLIC HIGHWAY DECLARATION - DEAKIN LANE,
TRARALGON**

Executive Manager

Office of the Chief Executive

For Decision

PURPOSE

The purpose of this report is to consider submissions received regarding the proposal to declare Deakin Lane, Traralgon, a public highway and seek Council's approval to finalise the statutory process to declare it a public highway.

EXECUTIVE SUMMARY

Since December 2012 the status of Deakin Lane, Traralgon, has been the subject of a number of reports to Council, particularly in light of the removal of access in June 2013 to the rear of 3 Church Street due to the erection of a fence and gates across the laneway by the Tripodi family, owners of 2 Deakin Street

Council has obtained an independent barristers opinion regarding the status of Deakin Lane, Traralgon. That opinion supports Council's previous position that the laneway is a public highway at common law and a road for the purposes of the *Local Government Act 1989* and the *Road Management Act 2004*.

To complete the statutory process relating to the declaration of a public highway it has been necessary for Council to give public notice of its intention to consider declaring Deakin Lane a public highway and consider written submissions received in accordance with Section 223 of the *Local Government Act 1989*.

Having considered the written submissions received Council can now decide whether it has formed the opinion that Deakin Lane is required for public use, that it is a public highway and formalise it as such by placing a notice in the Victoria Government Gazette.

RECOMMENDATION

That Council;

1. Having given public notice and invited and considered submissions received in accordance with Section 223 of the *Local Government Act 1989* forms the opinion that Deakin Lane, Traralgon, is required for public use.
2. Resolves to formally declare Deakin Lane, Traralgon, a public highway pursuant to Section 204 of the *Local Government Act 1989*.
3. Pursuant to Section 204 of the *Local Government Act 1989* publish a notice in the Victoria Government Gazette formally declaring Deakin Lane, Traralgon, a public highway.
4. Advise all adjoining property owners and residents who have made a submission of Councils decision.
5. Following the notice published in the Victoria Government Gazette formally declaring Deakin Lane, Traralgon, a public highway authorises the Chief Executive Officer pursuant to Schedule 11, Clause 5 of the *Local Government Act 1989* to write to the registered owners of Certificate of Title Volume 10246 Folio 309, being Road R1 on LP 412852 (Deakin Lane) requesting that the gates erected at the entrance to Deakin Lane and the fencing erected on the boundary of Deakin Lane at the rear of 2 Deakin Street and 3 Church Street, Traralgon, be removed by a time determined by the Chief Executive Officer.
6. In the event that the registered owners fail to remove the erected gates at the entrance to Deakin Lane and the fencing erected on the boundary of Deakin Lane at the rear of 2 Deakin Street and 3 Church Street, Council authorises the Chief Executive Officer or his delegate to arrange for the removal of the gates and fencing pursuant to Schedule 11, Clause 5 of the *Local Government Act 1989*.

FORESHADOWED MOTION

That Council undertakes a process to identify all laneways across the municipality with a view to undertaking the statutory process to declare them as public highways.

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Moved: Cr Gibson
Seconded: Cr Rossiter

CARRIED UNANIMOUSLY

FORESHADOWED MOTION

Moved: Cr Sindt
Seconded: Cr Gibson

That the Motion be adopted.

CARRIED UNANIMOUSLY

DECLARATION OF INTEREST

No officer declared an interest under the Local Government Act 1989 in the preparation of this report.

STRATEGIC FRAMEWORK

This report is consistent with Latrobe 2026: The Community Vision for Latrobe Valley and the Latrobe City Council Plan 2013-2017.

Latrobe 2026: The Community Vision for Latrobe Valley

Strategic Objectives - Governance

In 2026, Latrobe Valley has a reputation for conscientious leadership and governance, strengthened by an informed and engaged community, committed to enriching local decision making.

Latrobe City Council Plan 2013 - 2017

Theme and Objectives

Theme 3: Efficient, effective and accountable governance

Theme 4: Advocacy for and consultation with our community

BACKGROUND

Deakin Lane is contained in Certificate of Title Volume 10246 Folio 309, being Road R1 on LP 41285, and the registered proprietors are shown as Stefano, Concetta, Gino and Damiano Tripodi (the Tripodi family).

Since December 2012 the status of Deakin Lane, Traralgon, has been the subject of a number of reports to Council, particularly in light of the removal of access in June 2013 to the rear of 3 Church Street due to the

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erection of a fence and gates across the laneway by the Tripodi family, owners of 2 Deakin Street.

A chronology of the key dates relevant to this matter is attached to this report for reference. (Attachment One)

Deakin Lane (refer Attachment Two) provides access to off-street parking at the rear of 3 Church Street, owned by Parody Glade Pty Ltd. This car park was a requirement of Planning Permit 93/745/PO issued by the former City of Traralgon on 7 September 1993 and an amended plan that was endorsed on 10 May 1994.

The owners of 1 Church Street, Petroleum Property Holdings Pty Ltd, also have an entitlement to use Deakin Lane as this property is one of the four lots created on LP 41285 which also created the laneway.

At a meeting held on 16 December 2013 Council resolved:

- 1. That Council gives public notice of its intention to declare Deakin Lane, Traralgon, a public highway pursuant to Section 204 of the Local Government Act 1989.*
- 2. That Council considers any submissions in relation to the proposed declaration of Deakin Lane, Traralgon, as a public highway at the Ordinary Council Meeting to be held on Monday 17 February 2014.*
- 3. That all adjoining property owners be advised of Councils intention to commence the statutory process to declare Deakin Lane, Traralgon, a public highway pursuant to Section 204 of the Local Government Act 1989 and invited to make a submission.*
- 4. That McDonough & Co, acting on behalf of Parody Glade Pty Ltd, be advised accordingly.*

In response to public notices and correspondence, 3 written submissions and 50 form letters were received.

Following discussions between the Acting Chief Executive Officer, Mr Gino Tripodi, representing the Tripodi family, and the Director of Parody Glade Pty Ltd, and subject to Council endorsement, the following way forward was proposed:

- Council, the Tripodi family and Parody Glade Pty Ltd (the parties) agree to engage an independent barrister in order to obtain a non-binding legal opinion regarding the status of Deakin Lane.
- Costs of the independent barrister up to a total cost of \$10,000 would be split between the parties (Council \$5,000, Tripodi family \$2,500 and Parody Glade Pty Ltd \$2,500) with Council covering all costs greater than \$10,000.
- The legal opinion obtained from the independent barrister is non-binding on the parties and the respective parties may take further legal action or withdraw from the proposal at any time.

Council considered this proposal and the submissions received at its meeting held on 3 March 2014 and resolved the following:

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1. *That Council notes the written submissions received in relation to a proposal to declare Deakin Lane a public highway.*
2. *That Council resolves to support the proposal that Council, Mr Gino Tripodi and Parody Glade Pty Ltd (the parties) agree to engage an independent barrister in order to obtain a non-binding legal opinion regarding the status of Deakin Lane.*
3. *That the costs of the independent barrister up to a total cost of \$10,000 be split between the parties on the following basis, Council \$5,000, Tripodi family \$2,500 and Parody Glade \$2,500 with Council covering all costs greater than \$10,000.*
4. *Council acknowledges that the legal opinion obtained from the independent barrister is non-binding on the parties and the respective parties may take further legal action or withdraw from the proposal at any time.*
5. *Those persons who submitted a written submission and property owners adjoining Deakin Lane be advised of the above Council decisions.*

In light of this resolution both the Tripodi family and Parody Glade Pty Ltd, via their respective legal representatives, were provided with a list of barristers qualified to consider this matter and were requested to provide their preferred choices.

As a result, all parties agreed upon Graeme Peake Q.C as the preferred barrister to consider the status of Deakin Lane. It should be noted that both the Tripodi family and Parody Glade Pty Ltd subsequently withdrew from contributing to the costs of obtaining this opinion however both were still afforded the opportunity to provide input.

On 22 July 2014 the Acting Chief Executive Officer took part in an onsite meeting with representatives of the Tripodi family and the Office of the Victorian Ombudsman to discuss this matter. As a result the Deputy Ombudsman recommended that Council continue to obtain an opinion from Graeme Peake Q.C prior to finalising its decision and that the Tripodi family be given the opportunity to provide information as part of this process.

A final opinion was received from Graeme Peake Q.C on 1 October 2014, a copy of which is attached to this report, reaffirming that Deakin Lane is a public highway at common law and a road for the purposes of both the *Local Government Act 1989* and *Road Management Act 2004*.
(Attachment Three)

On 7 October 2014 the Tripodi family provided additional information for consideration in the form of a signed statement by a former owner of the land indicating that up until the road was utilised by Parody Glade Pty Ltd to gain access to the rear of 3 Church Street there was no use by the public.

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Council provided this additional information, via Maddocks Lawyers, for consideration and Graeme Peake Q.C subsequently provided a supplementary opinion dated 14 October 2014, attached to this report, stating that this additional information does not change the previous opinion that Deakin Lane is a public highway. (Attachment Four)

The Tripodi family, Parody Glade Pty Ltd and the Deputy Ombudsman have been provided with copies of each of these opinions and were informed that a report would be presented to Council seeking approval to commence the statutory process to declare Deakin Lane a public highway.

Council further considered this matter at a Special Council Meeting held on 17 November 2014 and resolved the following:

1. *That Council gives public notice of its intention to declare Deakin Lane, Traralgon, a public highway pursuant to Section 204 of the Local Government Act 1989.*
2. *That Council considers any submissions received in relation to the proposed declaration of Deakin Lane, Traralgon, as a public highway at a Special Council Meeting to be held on Thursday 18 December 2014.*
3. *That all adjoining property owners be advised of Councils intention to commence the statutory process to declare Deakin Lane, Traralgon, a public highway pursuant to Section 204 of the Local Government Act 1989 and invited to make a submission.*

KEY POINTS/ISSUES

Legal Advice

The key points upon which Graeme Peake Q.C formed his opinion that Deakin Lane is a public highway at common law and a road for the purposes of the *Local Government Act 1989* and the *Road Management Act 2004* are summarised as follows:

- Deakin Lane is shown as Road R1 on LP 41285;
- Deakin Lane is accessible from a public road, Deakin Street;
- At least one property abutting Deakin Lane has physical access to the laneway;
- Since approximately 1993 Deakin Lane has been used for access to the rear of 3 Church Street without objection from the Tripodi family until recently;
- Council has drainage assets within Deakin Lane without dissent from the Tripodi Family;
- Parody Glade Pty Ltd have contributed towards the construction of Deakin Lane.

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In accordance with the Council resolution of 3 March 2014 the Tripodi family, along with Parody Glade Pty Ltd, were afforded the opportunity to participate in obtaining this independent, non-binding opinion however they both chose not to do so.

To enable Graeme Peake Q.C to consider this matter he was provided with copies of all previous Council reports, including attachments, each of which included information that was provided by the Tripodi family.

As recommended by John Taylor, Deputy Ombudsman, the Tripodi family, via their legal representative John Morrow, were still permitted to provide information to Graeme Peake Q.C on two separate occasions and this was considered as part of his final assessment of the status of Deakin Lane.

It is noted the Tripodi family have claimed that Council did not provide all available information to Graeme Peake Q.C and, as a result, his final opinion would have been different if this were not the case. At this point the nature of this missing information remains unclear.

Copies of both the final and supplementary opinions are attached to this report. (Attachments Three and Four)

Planning Permit – 3 Church Street, Traralgon

As stated previously, on 7 September 1993 the former City of Traralgon issued a planning permit (93/745/PO) for the “development and use of a shop” at 3 Church Street, Traralgon, which allowed for access to the rear parking area via Deakin Lane. (Attachment Five)

This planning permit was signed by John Mitchell in his capacity as Chief Executive Officer of the Responsible Authority (City of Traralgon). A copy of this approved Planning Permit was forwarded to the applicant by Christopher White, Manager of Economic Development and Planning, on 8 September 1993.

In this correspondence attention was drawn to a number of conditions of the planning permit that would need to be satisfied.

The Manager of Economic Development and Planning subsequently endorsed an amended plan for the development on 10 May 1994 that changed the internal layout of the building from shop to the current configuration of offices.

The Tripodi family have raised concerns with certain conditions of this planning permit that appear to have not been met, which are detailed as follows:

Condition 2 – *“The owner prior to the commencement of use hereby permitted shall transfer to Council, at his cost, a rear portion of the land abutting the rear laneway having a minimum width of 1.73 metres and length of 15.2 metres for the purpose of providing public vehicular access to the rear of the site.”*

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Once this outstanding condition was identified and brought to the attention of Parody Glade Pty Ltd they indicated that they were prepared to fulfil this obligation. Beveridge Williams, on their behalf, submitted a plan of subdivision on 4 March 2014 (PS 725185S) for certification to rectify this oversight. (Attachment Six)

This plan of subdivision has been certified and a statement of compliance issued, it now awaits lodging at Land Victoria by Beveridge Williams on behalf of Parody Glade Pty Ltd.

Once lodged at Land Victoria this plan of subdivision will create a road reserve measuring 24.1 square meters and a Certificate of Title will be issued in the name of Council to finally satisfy this condition.

Condition 3 – “A plan detailing the construction and drainage of the parking area and driveway shall be submitted to the satisfaction of the responsible authority prior to construction of the car parking areas, and prior to occupancy of the premises.

Such driveway and car parking areas shall be constructed with bituminous surface or reinforced concrete or blockwork to the satisfaction of the responsible authority.”

Whilst there is no evidence that such a drainage plan was ever provided to Council, the rear parking area of 3 Church Street has been constructed from reinforced concrete and includes a spoon drain consistent with that shown on the endorsed plan.

Condition 4 – “The car parking and loading areas shall be line marked in accordance with the endorsed plan and to the satisfaction of the responsible authority.”

The car parking spaces have been line marked differently to that shown on the endorsed plan. Parody Glade Pty Ltd have indicated that this was done to provide greater ease of access and egress from the rear of the property and that they are prepared to change this to adhere to the planning permit condition if required by Council.

It should be noted that Councils powers to enforce such planning permit conditions are discretionary and subject to available resources at the time. Each individual case needs to be assessed on its merits taking into account the nature of the non-compliance and whether this is causing, or is likely to cause, detriment to neighbouring properties or the wider community.

In such cases there is also a time limit to any enforcement action that can be undertaken by Council, particularly twenty years after the permit was issued as is the case with 93/745/PO for 3 Church Street.

Public Highway Status

One of the key points raised by Graeme Peake Q.C pertains to the fact that the Tripodi family, since acquiring the property in Deakin Street in 1995, have not sought to restrict access to the rear of 3 Church Street until now and actually allowed Parody Glade Pty Ltd to contribute towards the construction of the laneway in its present form.

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Deakin Lane was dedicated by the original owner as land “appropriated or set apart for easements of way and drainage” on the original plan of subdivision (LP 41285) in 1957, now shown as Road R-1, and its use by Parody Glade Pty Ltd to gain rear access to 3 Church Street from 1993 constituted acceptance of this dedication, thereby the laneway became a public highway, at common law.

Both the dedication and acceptance of Deakin Lane predated the acquisition of the Deakin Street property, and the laneway itself by the Tripodi family. As such it was already a public highway at common law prior to the Tripodi family taking ownership and it has continued to be used by the public until such access was removed in June 2013.

It should also be noted that Petroleum Property Holdings Pty Ltd, owners of 1 Church Street, are also seeking to have access restored by the removal of the gates installed by the Tripodi family. This is significant as part of their property was created as Lot 4 on the aforementioned plan of subdivision (LP 41285) and, as such, they have a legal entitlement to use Deakin Lane.

RISK IMPLICATIONS

Risk has been considered as part of this report and it is considered to be consistent with the Risk Management framework.

Given that a large majority of laneways in Traralgon are comprised of pieces of land in private ownership making an exception in the case of Deakin Lane would set a costly precedent for any similar actions in the future.

Parody Glade Pty Ltd have indicated that they are looking to Council to take action to restore access to the rear of their property in an expedient manner given that they have been denied access since June 2013.

Should Deakin Lane not be reopened to the public Parody Glade Pty Ltd have indicated that they will pursue it further with the Victorian Ombudsman and the Local Government Inspectorate as well as taking legal action against Council for failing to resolve this matter.

Alternatively, the Tripodi family have indicated that, should Council proceed to declare Deakin Lane a public highway, they would take legal action to prevent this happening.

FINANCIAL AND RESOURCES IMPLICATIONS

The cost of undertaking the statutory process to declare Deakin Lane a public highway are minimal being the cost of public notices in the Latrobe Valley Express and a notice in the Victoria Government Gazette.

Council may incur future costs associated with the physical removal of the gates and fence though these would be recoverable from the Tripodi family. If either affected party initiated legal proceedings then additional legal costs would become payable.

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As Deakin Lane is a public highway the land vests in Council “free of all mortgages, charges, leases and sub-leases” and, as such, there is no obligation for Council to pay compensation to the Tripodi family as part of this process.

INTERNAL/EXTERNAL CONSULTATION

Engagement Method Used:

Public comment on the proposed declaration of Deakin Lane as a public highway has been sought via the following methods:

- Public notices placed in the Latrobe Valley Express on Monday 24 November and Thursday 27 November 2014.
- Letters to adjoining property owners including the Tripodi family and Parody Glade Pty Ltd.
- Details placed on the Latrobe City Council website.

Details of Community Consultation / Results of Engagement:

As stated above, during December 2013 Council sought submissions regarding the proposed declaration of Deakin Lane as a public highway receiving three formal submissions and 50 form letters in response. These were considered at the Ordinary Council meeting held on 3 March 2014.

In response to the current public notices and correspondence, seven formal submissions have been received together with an online petition of 352 signatures and 202 form letters. The formal submissions are summarised as follows:

McDonough & Co Solicitors (Attachment Seven)

Acting on behalf of each of the property owners adjoining Deakin Lane:

- Parody Glade Pty Ltd, 3 Church Street, Traralgon
- Petroleum Property Holdings Pty Ltd, 1 Church Street, Traralgon
- J R & A E McNiven and Jimanne Pty Ltd, 72 Princes Street, Traralgon

This submission reaffirms previous correspondence that Deakin Lane is a public road and each of the property owners detailed above require use of the laneway, therefore they support the declaration of Deakin Lane as a public highway.

Ms Susan O'Mara (Attachment Eight)

Believes that as the title for Deakin Lane is in the name of the Tripodi family Council should not take any action to declare it a public highway.

Ms Margaret Stuckey (Attachment Nine)

Strongly opposes the proposed declaration of Deakin Lane as a public highway as it “is not only arbitrary, but contrary to both the spirit of the Local Government Act 1989 and the Road Management Act 2004”.

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Opposing the declaration of Deakin Lane as a public highway for the following reasons:

- The laneway is used for stock movement and its use by the public may pose a risk to all users;
- The gates that have been installed address security concerns;
- The laneway is used as a storage area for produce bins and pallets requiring use of a forklift;
- Are currently paying public liability insurance for the laneway, if Council proceed it will be liable for any future incidents;
- Council has not made any direct approach to find a resolution to this matter.

Damian Tripodi (Attachment Eleven)

Opposing the declaration of Deakin Lane as a public highway for the following reasons:

- The laneway has no use or value to the general public;
- The laneway has not ever been used by the public;
- The former City of Traralgon allowed the use of Deakin Lane in error;
- Council has not approached the Tripodi family to find a resolution to this matter.

Claire Turnbull (Attachment Twelve)

Opposing the declaration of Deakin Lane as a public highway for the following reasons:

- Council is acting in the interests of Parody Glade Pty Ltd in an attempt to rectify an error made by the former City of Traralgon;
- The ongoing consideration of this matter has caused a great deal of stress and financial strain on the Tripodi family;
- This matter could have been handled in a more diplomatic manner instead of through the legal system;
- The public have no need to use Deakin Lane.

Gino Tripodi (Attachment Thirteen)

Opposing the declaration of Deakin Lane as a public highway for the following reasons:

- Council would be confiscating private property without compensation;
- If Deakin Lane were to be declared a public highway it would interfere with the conduct of business at 2 Deakin Street;
- Deakin Lane is used regularly for the loading and unloading of produce each day;

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- Deakin Lane is used for the storage of spare palettes at rear of the building;
- Council has not maintained Deakin Lane;
- Deakin Lane is not a sufficient width for use as a public highway;
- All neighbouring property owners who have a right to use Deakin Lane still have the ability to do so, all other owners have alternative street access via Church Street, Princes Highway or Deakin Street;
- No public purpose would be served by declaring Deakin Lane a public highway;
- The Tripodi family have allowed Parody Glade Pty Ltd to use Deakin Lane based upon the existence of an "access permit";
- The former City of Traralgon allowed the use of Deakin Lane in error;
- The opinion provided by Graeme Peake Q.C is "conditional and highly qualified", not based on the all of the facts;
- Council has become involved in a private disagreement between two neighbours;
- Declaring Deakin Lane as a public highway would be an unreasonable use of its powers and it would therefore be acting invalidly if it proceeds;
- Council should take no further action to declare Deakin Lane a public highway.

As stated above, the Tripodi family have also provided 145 signed form letters (Attachment Fourteen) together with an online petition containing 352 signatures (Attachment Fifteen) objecting to the proposed declaration of Deakin Lane as a public highway.

Officer Comment:

In response to the above submissions the following comments are provided:

- Deakin Lane was used by both the Tripodi family in the operation of their business as well as by Parody Glade Pty Ltd and their tenants up until the fence and gates were put in place last year.
- During this period the Tripodi family were able to load and unload produce. Most of the laneways in Traralgon would be used for the loading and unloading of goods as well as access to parking at the rear of premises in a similar manner.
- The storage of produce bins and palettes at the rear of 2 Deakin Street has been an ongoing activity prior to Council's involvement. Council officers are unaware of this causing any issues with other users and it is noted that palettes were stacked in such a manner so as not to impede access.

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- It is acknowledged that Council has not maintained Deakin Lane however it has been established that Parody Glade Pty Ltd also contributed towards its construction without objection from the Tripodi family.
- Council has never stated that an “access permit” exists that allows Parody Glade Pty Ltd and its tenants to utilise Deakin Lane. The report considered by the former City of Traralgon in relation to 93/745/PO states that the car parking at the rear of 3 Church Street “would be accessed via a rear laneway connecting to Deakin Street”.
- As stated previously, the Tripodi family were afforded the opportunity to provide information to Graeme Peake Q.C and availed themselves of this opportunity twice. This information was included in both the final and supplementary opinions, if any additional information does indeed exist the Tripodi family could have provided this for consideration.
- Council became involved in this matter at the request of the Tripodi family who wished to have Deakin Lane discontinued and the land subsequently transferred back into their ownership as a private “access laneway”.
- Once it was established that the laneway was required for access to the parking at the rear of 3 Church Street the request to discontinue the road was amended, with the agreement of the Tripodi family, to the potential placement of gates at the entrance to Deakin Lane.
- As Parody Glade Pty Ltd objected to the proposed gates the Tripodi family proceeded to erect a fence and gates thereby requiring Council to consider the status of Deakin Lane as a public highway.
- The Tripodi family indicated that, regardless of Councils position, they would proceed to erect the fence and gates and any action by Council to have them removed would be met with legal action.
- Council has sought both professional and legal advice prior to and during its consideration of this matter which has reaffirmed the status of Deakin Lane as a public highway at common law and recommends that it undertake the statutory process to formalise it as such.
- As Council has obtained this legal advice the use of its powers under Section 204 of the *Local Government Act* 1989 is appropriate and, having undertaken the required statutory process the resulting public highway declaration is valid.
- Ultimately Council is seeking to have access restored to that which was available for approximately twenty years prior to the Tripodi family deciding to remove it through the erection of a fence and gates on Deakin Lane.

OPTIONS

Having considered submissions received Council may now resolve to either:

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- Declare Deakin Lane, Traralgon, a public highway pursuant to Section 204 of the *Local Government Act* 1989 and place a notice in the Victoria Government Gazette to formally declare it as such.
- Resolve not to declare Deakin Lane, Traralgon, a public highway and take no further action regarding the fence and gates erected across the laneway and the rear of 3 Church Street, Traralgon.
- Rely on the independent legal opinion provided by Graeme Peake Q.C that Deakin Lane is a public highway at common law and request that the Tripodi family remove the fence and gates to restore public access.

CONCLUSION

The opinion obtained from Graeme Peake Q.C has reaffirmed Council's position that Deakin Lane, Traralgon, is a public highway at common law and a road for the purposes of the *Local Government Act* 1989 and the *Road Management Act* 2004.

As Council has now undertaken the statutory process and considered submissions received it would be appropriate for it to formally declare Deakin Lane a public highway pursuant to Section 204 of the *Local Government Act* 1989 by publishing a notice in the Victoria Government Gazette.

Council will also need to serve formal notice on the Tripodi family directing the removal of the gate and fence from Deakin Lane pursuant to Schedule 11 Clause 5 of the *Local Government Act* 1989.

SUPPORTING DOCUMENTS

Nil

Attachments

1. Attachment One: Deakin Lane Chronology
2. Attachment Two: Deakin Lane - Location and Aerial Image
3. Attachment Three: City of Traralgon Planning Permit 93/745/PO
4. Attachment Four: Original opinion provided by Graeme Peake Q.C dated 1st October 2014.
5. Attachment Five: Supplementary opinion provided by Graeme Peake Q.C dated 14th October 2014.
6. Attachment Six: PS725185S - Creating Road R1 in favour of Latrobe City Council
7. Attachment Seven: Submission received from McDonough & Co Solicitors
8. Attachment Eight: Submission received from Susan O'Mara
9. Attachment Nine: Submission received from Margaret Stuckey
10. Attachment Ten: Submission received from Stefano & Concetta Tripodi
11. Attachment Eleven: Submission received from Damian Tripodi
12. Attachment Twelve: Submission received from Claire Turnbull
13. Attachment Thirteen: Submission received from Gino Tripodi
14. Attachment Fourteen: Form Letters
15. Attachment Fifteen: Online Petition

6.1

Proposed Public Highway Declaration - Deakin Lane, Traralgon

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DEAKIN LANE, TRARALGON, CHRONOLOGY

5 th September 1957	Deakin Lane created as land "appropriated or set apart for easements of way and drainage" on LP 41285.
7 th September 1993	Planning permit 93/745/PO, for the development and use of a shop at 3 Church Street, Traralgon, issued by the former City of Traralgon.
10 th May 1994	Amended plans endorsed by the former City of Traralgon.
26 th June 1995	Deakin Street property, including Deakin Lane, acquired by Stefano, Concetta, Damiano and Gino Tripodi.
30 th May 2012	Request from received from Gino Tripodi, on behalf of Stefano, Concetta and Damiano Tripodi, to have Deakin Lane discontinued.
17 th December 2012	Council considers a report regarding the proposed discontinuance or placement of barriers over Deakin Lane and resolves the following: <ul style="list-style-type: none"> 1. That Council gives public notice of its intention to consider the placement of permanent barriers over Deakin Lane, Traralgon, pursuant to Section 207 and Schedule 11 Clause 9 of the Local Government Act 1989. 2. That Council considers any submissions received in relation to the proposed placement of permanent barriers over Deakin Lane, Traralgon, at the Ordinary Council meeting to be held on Monday 18 February 2013.
20 th December 2012	E-mail received from Gino Tripodi indicating that a fence would be placed between Deakin Lane and the rear of 3 Church Street together with gates at the entrance to the lane.
16 th January 2013	Submission received from Beveridge Williams on behalf of Parody Glade Pty Ltd objecting to the proposed placement of barriers over Deakin Lane.
18 th January 2013	Correspondence received from Gino Tripodi, on behalf of S&C Tripodi & Sons, requesting meeting with Councillors to discuss research undertaken.
16 th February 2013	E-mail received from Gino Tripodi requesting that Council defer consideration of this matter for a further month pending the provision of additional relevant information.
18 th February 2013	Council further considers the proposed placement of barriers over Deakin Lane and resolves the following: <p>That Council defer this item for one month.</p>
15 th March 2013	E-mail received from Gino Tripodi advising that if Council resolve to further defer consideration of this matter temporary fencing would be installed.
18 th March 2013	Council considers a further report regarding the placement of permanent barriers over Deakin Lane and resolves the following: <ul style="list-style-type: none"> 1. That Council defers consideration of the proposed placement of permanent barriers over Deakin Lane, Traralgon, at the Ordinary Council meeting to be held on Monday 22 April 2013 pending assessment of additional information to be provided by the applicant. 2. That Beveridge Williams, acting on behalf of Parody Glade Pty Ltd, and the applicant be advised accordingly.
24 th March 2013	Professional advice received from the Public Land Consultancy indicating that Deakin Lane is a public highway under section 204(1) of the <i>Local Government Act 1989</i> and a municipal road within the meaning of the <i>Road Management Act 2004</i> .
27 th March 2013	Correspondence sent to Gino Tripodi requesting the provision of a copy of legal advice in accordance with Council resolution of 18 th March 2013.

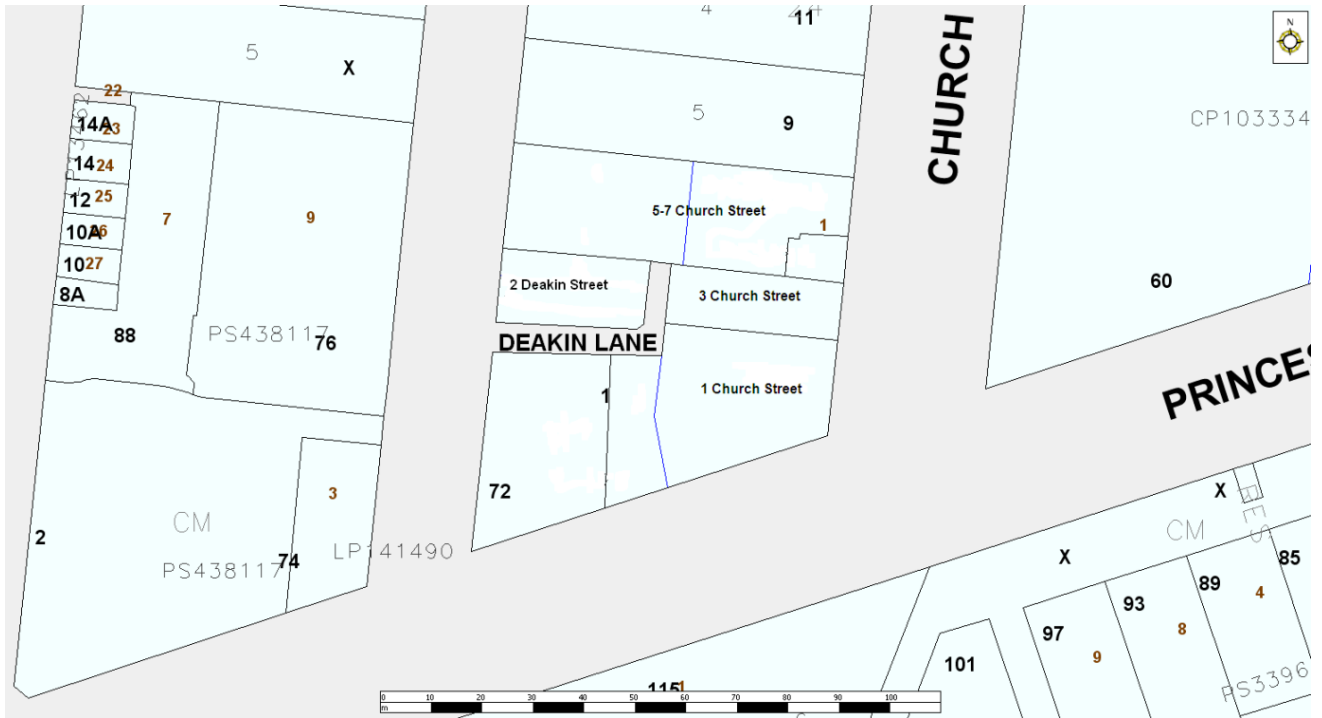
22 nd April 2013	<p>Council considers a further report regarding the placement of permanent barriers over Deakin Lane and resolves the following:</p> <p>That this matter be deferred to allow for consideration to be given to information tabled by Mr Tripodi at this Council meeting.</p>
29 th April 2013	Meeting between Paul Buckley, Chief Executive Officer, and Stefano, Damiano and Gino Tripodi to discuss Deakin Lane.
3 rd May 2013	E-mail received from Gino Tripodi suggesting that Council take no further action regarding Deakin Lane and suggesting that compensation be offered to Parody Glade Pty Ltd .
16 th May 2013	<p>Legal advice received from Maddocks Lawyers advising the following:</p> <ul style="list-style-type: none"> • Deakin Lane is a public highway at common law and also, therefore, a 'public highway' for the purposes of the <i>Road Management Act 2004</i>; • Ownership of Deakin Lane is likely to have vested in Council, by virtue of the Road Management Act 2004, even though it is located on privately owned land; • If Council wishes it can declare Deakin Lane to be a 'public highway' under the <i>Local Government Act 1989</i>; • Rights of access to Deakin Lane are secured for the owners of properties adjoining Deakin Lane, namely 1-3 Church Street, Traralgon and Lot 4 on LP 41285, which fronts Princes Street under common law and the <i>Road Management Act 2004</i>; • Council is under no obligation to pay compensation to the Tripodi family, who own the land traversed by Deakin Lane.
31 st May 2013	Correspondence sent from John Morrow to the Victorian Ombudsman and the Minister for Local Government requesting that they intervene in this matter.
2 nd June 2013	Temporary fencing erected between Deakin Lane and the rear of 3 Church Street thereby removing access.
3 rd June 2013	<p>Council considers a further report regarding the placement of permanent barriers over Deakin Lane and resolves the following:</p> <p>That the matter be deferred pending the outcome of the Ombudsman's investigation of this matter.</p>
24 th June 2013	Council considers a further report regarding Deakin Lane in Items Closed to the Public seeking approval to take action to remove fence.
28 th June 2013	Correspondence sent from Maddocks Laywers to Gino Tripodi requesting removal of fence within 7 days.
4 th July 2013	Correspondence received from John Morrow, acting on behalf of the Tripodi family, indicating that the temporary fencing would not be removed and requesting an undertaking that Council will not take any action without prior notice.
4 th July 2013	Correspondence sent from Maddocks Lawyers to John Morrow agreeing that no action would be taken for a further 7 days to allow consideration of points raised.
5 th July 2013	Temporary fencing between Deakin Lane and the rear of 3 Church Street replaced with a permanent steel fence by the Tripodi family.
24 th July 2013	Correspondence sent from Maddocks Lawyers to John Morrow confirming Councils position regarding the status of Deakin Lane and indicating that it would await the issue of declaration proceedings in the Supreme Court.
14 th October 2013	Correspondence sent from John Morrow to Maddocks Lawyers confirming that the Victorian Ombudsman would not be investigating complaint.

6 th November 2013	<p>Council considers a further report regarding the proposed declaration of Deakin Lane as a public highway and resolves the following:</p> <p>That Council defer consideration of this matter until the next Ordinary Council meeting.</p>
14 th November 2013	<p>E-mail received from Gino Tripodi requesting that Council not proceed with statutory process to declare Deakin Lane a public highway.</p>
2 nd December 2013	<p>Correspondence received from McDonough & Co Solicitors, on behalf of Parody Glade Pty Ltd, requesting that Council commence the statutory process to declare Deakin Lane a public highway.</p>
16 th December 2013	<p>Council considers a further report regarding the proposed declaration of Deakin Lane as a public highway and resolves the following:</p> <ol style="list-style-type: none"> 1. That Council gives public notice of its intention to declare Deakin Lane, Traralgon, a public highway pursuant to Section 204 of the Local Government Act 1989. 2. That Council considers any submissions received in relation to the proposed declaration of Deakin Lane, Traralgon, as a public highway at the Ordinary Council meeting to be held on Monday 17 February 2014. 3. That all adjoining property owners be advised of Councils intention to commence the statutory process to declare Deakin Lane, Traralgon, a public highway pursuant to Section 204 of the Local Government Act 1989 and invited to make a submission. 4. That McDonough & Co, acting on behalf of Parody Glade Pty Ltd, be advised accordingly.
14 th February 2014	<p>Correspondence received from the Victorian Small Business Commissioner advising of complaint received from Gino Tripodi.</p>
17 th February 2014	<p>Council considers a further report regarding the proposed declaration of Deakin Lane as a public highway and resolves the following:</p> <p>That Council defer consideration of this matter until the next Ordinary Council meeting.</p>
3 rd March 2014	<p>Council considers a further report regarding the proposed declaration of Deakin Lane as a public highway and resolves the following:</p> <ol style="list-style-type: none"> 1. That Council notes the written submissions received in relation to a proposal to declare Deakin Lane, Traralgon, a public highway. 2. That Council resolves to support the proposal that Council, Mr Gino Tripodi and Parody Glade Pty Ltd (the parties) agree to engage an independent barrister in order to obtain a non-binding legal opinion regarding the status of Deakin Lane. 3. That the costs of the independent barrister up to a total cost of \$10,000 be split between the parties on the following basis, Council \$5,000, Tripodi Family \$2,500 and Parody Glade \$2,500 with Council covering all costs greater than \$10,000. 4. Council acknowledges that the legal opinion obtained from the independent barrister is non-binding on the parties and the respective parties may take further legal action or withdraw from the proposal at any time.

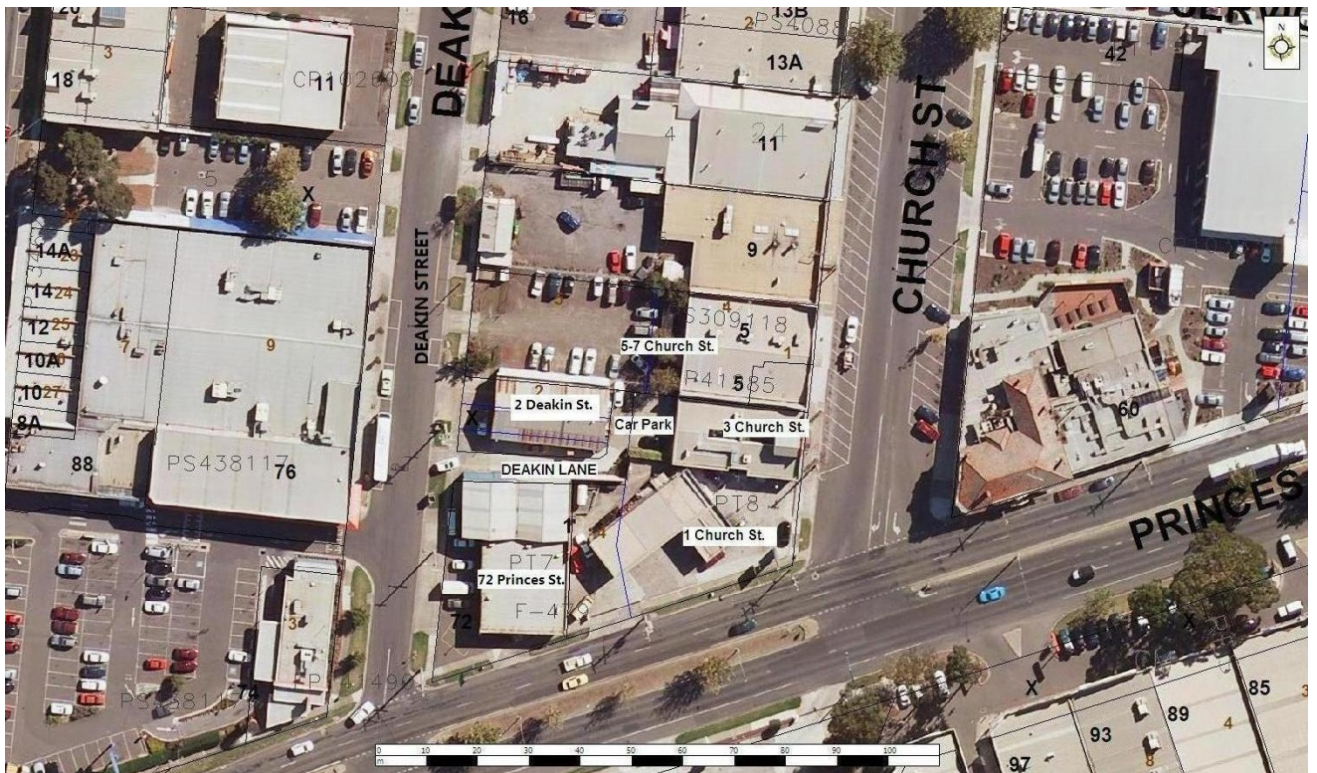
	<p>5. Those persons who submitted a written submission and property owners adjoining Deakin Lane be advised of the above Council decisions.</p>
12 th March 2014	Correspondence sent to the Tripodi family and Parody Glade Pty Ltd advising of Council resolution and providing details of six barristers qualified to undertake an analysis of the status of Deakin Lane for consideration.
17 th March 2014	E-mail received from McDonough & Co Solicitors, on behalf of Parody Glade Pty Ltd, nominating Graeme Peake Q.C as their preferred barrister.
2 nd April 2014	E-mail received from John Morrow, on behalf of the Tripodi family, nominating Graeme Peake Q.C as their preferred barrister.
22 nd July 2014	Onsite meeting between John Mitchell, Acting Chief Executive Officer, representatives of the Tripodi family and John R Taylor, Deputy Ombudsman.
23 rd July 2014	Correspondence received from John R Taylor, Deputy Ombudsman, recommending that Council seek legal advice from Graeme Peake Q.C prior to making a decision and that the Tripodi family be included in this process.
25 th August 2014	Maddocks Lawyers provide draft brief for Graeme Peake Q.C to John Morrow and McDonough & Co Solicitors for comment.
29 th August 2014	Maddocks Lawyers provide brief to Graeme Peake Q.C including amendments requested by McDonough & Co Solicitors.
5 th September 2014	Additional information provided by Council to Maddocks Lawyers in response to questions raised by Graeme Peake Q.C. John Morrow provides correspondence directly to Graeme Peake Q.C requesting that he defer finalising his review pending the provision of further information.
9 th September 2014	Maddocks Lawyers write to Graeme Peake Q.C providing additional information provided by John Morrow for consideration.
1 st October 2014	Final opinion received from Graeme Peake Q.C reaffirming that Deakin Lane is a public highway at common law and a road for the purposes of both the <i>Local Government Act 1989</i> and <i>Road Management Act 2004</i> .
7 th October 2014	Correspondence sent from John Morrow to Maddocks Lawyers seeking to have statement concerning the historical use of Deakin Lane provided to Graeme Peake Q.C for consideration.
22 nd October 2014	Maddocks Lawyers provide additional information to Graeme Peake Q.C for consideration.
27 th October 2014	Supplementary opinion received from Graeme Peake Q.C reaffirming that Deakin Lane is a public highway at common law and a road for the purposes of both the <i>Local Government Act 1989</i> and <i>Road Management Act 2004</i> .
29 th October 2014	Maddocks Lawyers provide copies of the Final and Supplementary opinions to John Morrow, McDonough & Co Solicitors and John R Taylor, Deputy Ombudsman, and advise that a report will be considered at Special Council meeting to be held on 17 th November 2014.
11 th November 2014	E-mail received from John R Taylor, Deputy Ombudsman, advising that, based upon the advice of Graeme Peake Q.C, he had decided to take no further action in this matter.
12 th November 2014	Correspondence sent from John Morrow to Maddocks Lawyers requesting that Council defer consideration of this matter pending further discussions.
17 th November 2014	Council considers a further report regarding the proposed declaration of Deakin Lane as a public highway and resolves the following: <ul style="list-style-type: none"> 1. That Council gives public notice of its intention to declare Deakin Lane, Traralgon, a public highway pursuant to Section 204 of the Local Government Act 1989. 2. That Council considers any submissions received in relation to the proposed declaration of Deakin Lane, Traralgon, as a public highway at a Special Council meeting to be held on Thursday 18

	<p>December 2014.</p> <p>3. That all adjoining property owners be advised of Councils decision to commence the statutory process to declare Deakin Lane, Traralgon, a public highway pursuant to Section 204 of the Local Government Act 1989 and invited to make a submission.</p>
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Location Plan – Deakin Lane Traralgon



Aerial Image – Deakin Lane Traralgon





CITY OF TRARALGON *The best address in Gippsland*

OUR REFERENCE: Planning Permit No. 93/745/PO MEK: Please address all correspondence to
The Chief Executive Officer

8 September 1993

Mr Bill Filips
Latrobe Regional Development Group
Suite 2
82 Argyle Street
TRARALGON VIC 3844

Dear Mr Filips,

TRARALGON (CITY) PLANNING SCHEME
PLANNING PERMIT APPLICATION NO 93/745/PO
LAND AT 3 CHURCH STREET, TRARALGON

I am pleased to advise you that Council at its meeting of 8 September, 1993, approved your application for the development and use of a Shop at the above property.

Please find enclosed a copy of Planning Permit No. 93/745/PO and a copy of the endorsed plan. Your attention is drawn to the following:

Condition No. 2 requires a rear portion of the land abutting the rear laneway to be transferred to Council prior to the commencement of the use.

Condition No. 3 requires a plan detailing the construction and drainage of the parking area and driveway to be submitted to Council.

Condition No. 4 requires the parking and loading areas to be linemarked.

Condition No. 6 requires the external walls to be constructed of materials and colours to the satisfaction of Council.

Condition No. 8 requires a separate planning permit to be sought for any proposed signage.

Please note that building and health approval must be obtained prior to the commencement of the development and use.

If you have any questions regarding the above matter, please do not hesitate to contact Nick Kearns, Town Planner.

Yours sincerely

Christopher White
MANAGER - ECONOMIC DEVELOPMENT AND PLANNING

Encl.

PLANNING PERMIT

PERMIT NO. 93/745/PO

TRARALGON (CITY) PLANNING SCHEME

RESPONSIBLE AUTHORITY CITY OF TRARALGON

ADDRESS OF THE LAND

3 CHURCH STREET, TRARALGON, PART LOT 8, BLOCK 24,
TOWNSHIP AND PARISH OF TRARALGON, COUNTY OF BULN
BULN.

THE PERMIT ALLOWS

DEVELOPMENT AND USE OF A SHOP.

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT.

1. THE DEVELOPMENT AND USE AS SHOWN ON THE ENDORSED PLAN(S) SHALL NOT BE ALTERED OR MODIFIED WITHOUT PRIOR CONSENT OF THE RESPONSIBLE AUTHORITY.
2. THE OWNER PRIOR TO THE COMMENCEMENT OF THE USE HEREBY PERMITTED SHALL TRANSFER TO COUNCIL, AT HIS COST, A REAR PORTION OF THE LAND ABUTTING THE REAR LANEWAY HAVING A MINIMUM WIDTH OF 1.73 METRES AND LENGTH OF 15.2 METRES FOR THE PURPOSE OF PROVIDING PUBLIC VEHICULAR ACCESS TO THE REAR OF THE SITE.
3. A PLAN DETAILING THE CONSTRUCTION AND DRAINAGE OF THE PARKING AREA AND DRIVEWAY SHALL BE SUBMITTED TO THE SATISFACTION OF THE RESPONSIBLE AUTHORITY PRIOR TO CONSTRUCTION OF THE CARPARKING AREAS, AND PRIOR TO OCCUPANCY OF THE PREMISES.

SUCH DRIVEWAY AND CAR PARKING AREAS SHALL BE CONSTRUCTED WITH BITUMINOUS SURFACE OR REINFORCED CONCRETE OR BLOCKWORK TO THE SATISFACTION OF THE RESPONSIBLE AUTHORITY.

MINIMUM DEPTH OF PAVEMENT MATERIALS TO BE 150MM DEPTH, AND BITUMINOUS SURFACE TO BE 30MM DEPTH.

4. THE CAR PARKING AND LOADING AREAS SHALL BE LINEMARKED IN ACCORDANCE WITH THE ENDORSED PLAN AND TO THE SATISFACTION OF THE RESPONSIBLE AUTHORITY.

DATE ISSUED: 7 SEP 1993

**SIGNATURE FOR THE
RESPONSIBLE AUTHORITY**


**JOHN MITCHELL
CHIEF EXECUTIVE**

5. DRAINAGE SHALL BE CONSTRUCTED BY KERB AND CHANNEL AND/OR SPOON DRAINS AND CONNECTED TO UNDERGROUND DRAINAGE SYSTEM TO THE SATISFACTION OF THE RESPONSIBLE AUTHORITY.
6. EXTERNAL WALLS SHALL BE CONSTRUCTED OF MATERIALS AND COLOURS TO THE SATISFACTION OF THE RESPONSIBLE AUTHORITY.
7. NO ADVERTISING SIGN PROJECTING ABOVE THE PARAPET, ROOF OR FASCIA OF THE BUILDING IS PERMITTED.
8. ANY ADVERTISING SIGNS SHALL BE THE SUBJECT OF A SEPARATE PLANNING PERMIT SUBJECT TO THE PROVISIONS OF CLAUSE 37 OF THE TRARALGON (CITY) PLANNING SCHEME ORDINANCE, TO THE SATISFACTION OF THE RESPONSIBLE AUTHORITY.
9. THE TIME FOR THE COMMENCEMENT OF THE DEVELOPMENT HERE BY AUTHORISED IS PURSUANT TO SECTION 68(1) OF THE PLANNING AND ENVIRONMENT ACT 1987 SPECIFIED AS TWO YEARS FROM THE DATE OF ISSUE OF THIS PERMIT AND THE TIME FOR COMPLETION IS SPECIFIED AS TWO YEARS FROM THE DATE OF SUCH COMMENCEMENT.

THE TIME WITHIN WHICH THE DEVELOPMENT IS TO BE COMMENCED OR COMPLETED MAY ON APPLICATION MADE BEFORE OR WITHIN THREE MONTHS AFTER THE EXPIRY DATE OF THIS PERMIT BE EXTENDED BY THE RESPONSIBLE AUTHORITY.

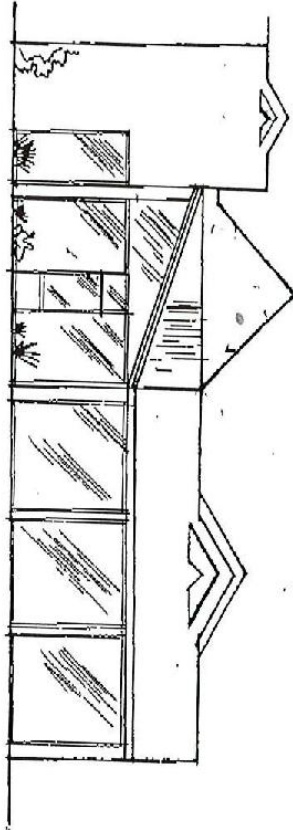
- NOTES:
1. THE PREMISES SHALL COMPLY WITH THE PROVISIONS OF THE VICTORIA BUILDING REGULATIONS 1983 (PURSUANT TO THE BUILDING CONTROL ACT 1981) AS AMENDED FROM TIME TO TIME, UNLESS OTHERWISE MODIFIED BY THE VICTORIA BUILDING REFEREES.
 2. THE PREMISES SHALL COMPLY WITH THE REQUIREMENTS OF THE HEALTH ACT 1958, AS AMENDED, OR SUCH OTHER REQUIREMENTS TO THE SATISFACTION OF THE RESPONSIBLE AUTHORITY.

DATE ISSUED 7 SEP 1993

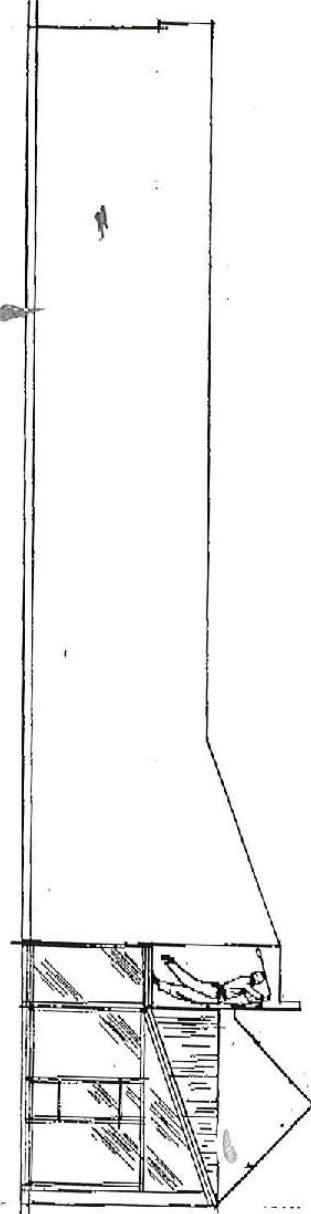
SIGNATURE FOR THE
RESPONSIBLE AUTHORITY


JOHN MITCHELL
CHIEF EXECUTIVE

CHURCH ST VIEW



PRINCES HWY VIEW



PLANNING AND ENVIRONMENT ACT 1987
 TRARALGON (CITY) PLANNING SCHEME

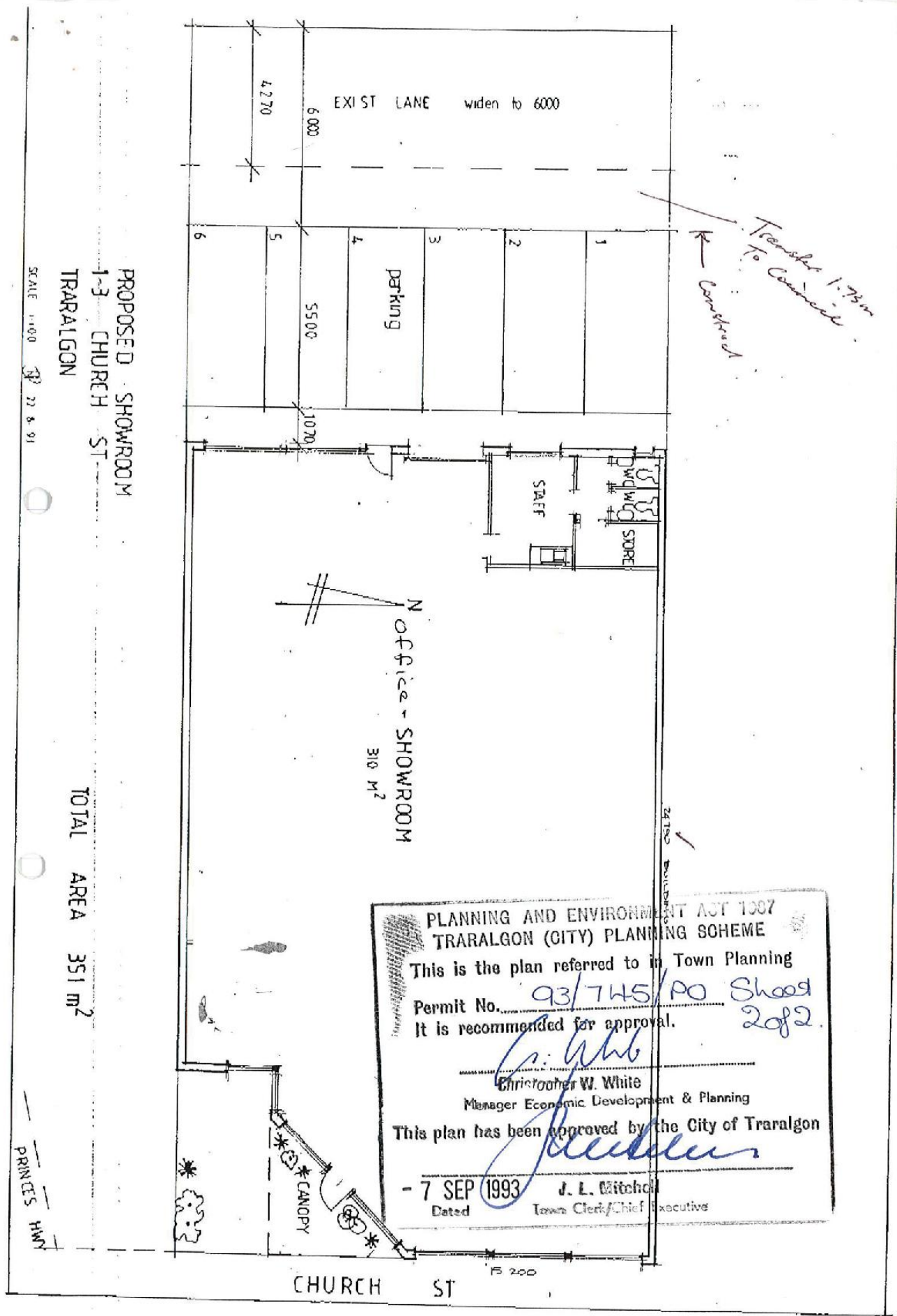
This is the plan referred to in Town Planning
 Permit No. 93/745/PO Sheet
 It is recommended for approval. 1 of 2

C. White
 Christopher W. White
 Manager Economic Development & Planning

This plan has been approved by the City of Traralgon

J. L. Mitchell
 J. L. Mitchell
 Town Clerk/Chief Executive

7 SEP 1993
 Dated



*Transfer 1.731m
to Council*

Construction

PROPOSED SHOWROOM
1-3 CHURCH ST
TRARALGON

SCALE 1:100
22.8.91

TOTAL AREA 351 M²

N
Office - SHOWROOM
310 M²

PLANNING AND ENVIRONMENT ACT 1987
TRARALGON (CITY) PLANNING SCHEME

This is the plan referred to in Town Planning
Permit No. 93/745/PO Sheet 2 of 2
It is recommended for approval.

C. White
Christopher W. White
Manager Economic Development & Planning

This plan has been approved by the City of Traralgon

J. L. Mitchell
- 7 SEP 1993 J. L. Mitchell
Dated Town Clerk/Chief Executive

PRINCES HWY

CHURCH ST

**STATUS OF LAND SHOWN AS “ROAD” ON
PLAN OF SUBDIVISION 41285 - DEAKIN LANE TRARALGON**

MEMORANDUM OF ADVICE

Instructions

1. I have been instructed by Latrobe City Council to provide a legal opinion as to the status of the land shown as “Road” on Plan of Subdivision 41285. I will refer to this land as “road R1”, as that is how it is described in certificate of title Volume 10246 Folio 309.
2. In preparing this advice I have had regard to all of the documents enclosed with my instructing solicitor’s Memorandum to Counsel dated 29 August 2014 together with:
 - (1) Supplementary observations on behalf of registered proprietors of road R1 prepared by John R Morrow, solicitor;
 - (2) Opinion prepared by Peter G Willis dated 15 March 2013 and supplementary opinion dated 22 April 2013;
 - (3) the questions posed by me to Latrobe City Council set out in an email dated 5 September 2014 and the answers provided to those questions in an email of the same date.
3. As I am instructed on behalf of Latrobe City Council I have not had regard to any other material presented by or on behalf of any other person who claims an interest in or a right over the laneway.

Facts

4. The facts on which I have based my advice are set out below.
5. Land now known as 2 Deakin Street, Traralgon was subdivided into four lots and a road by Plan of Subdivision LP41285 in or about 1957. The plan of subdivision created three lots fronting Deakin Street (“the Tripodi Land”) ; one lot fronting

Princes Street and a L-shaped road varying in width commencing at Deakin Street, extending to the east boundary of the land and then along the east boundary to its north boundary as shown on the plan of subdivision.

6. Parody Glade Pty Ltd is the registered proprietor of land known as 3 Church Street, Traralgon, having a frontage to Church Street and sharing a common boundary with road R1.
7. On 7 September 1993, the City of Traralgon granted Planning Permit No. 93/745/PO, permitting the development and use of 3 Church Street for the purpose of office/showroom. The endorsed plans show six car parking spaces to be accessed from road R1. The plan depicts road R1 where it lies between the Tripodi Land and 3 Church Street as being 4.270 metres wide. The plan requires the car parking spaces to be set back 1.73 metres from road R1 to create an effective width of 6 metres and the permit conditions require the setback of 1.73 metres to be transferred to the Council. I understand that this land has not been transferred, but the owner has indicated that it is willing to do so.
8. In or about 1993 Parody Glade as the owner of 3 Church Street constructed the office-showroom and the car parking area as far as the western boundary of 3 Church Street.
9. It appears that the Tripodi Land and road R1 remained in the same title (Volume 8156 Folio 271) until the Tripodi Land and road R1 was purchased by Stefano Tripodi, Concetta Tripodi, Gino Tripodi and Damiano Tripodi ("the Tripodis"). Instrument of Transfer U146141P was registered on 26 March 1996.
10. I have been provided with a title search of lot 1, LP41285, Certificate of Title Volume 10243 Folio 238 and road R1", LP41285 Volume 10246 Folio 309. I have not been instructed with copies of the Certificates of Title for lots 2 and 3. I assume that they were transferred to the Tripodis on the same date.
11. The separate title to road R1 was issued on 26 June 1995.
12. I am instructed by Latrobe Shire Council that Mr Leo DiFabrizio, a director of Parody Glade Pty Ltd says that he approached the Tripodis proposing that his company and the Tripodis equally share the cost of constructing the whole of road R1. This was

- rejected. He then proposed that the Tripodis contribute 25% of the cost of construction. This was rejected. Parody Glade Pty Ltd or an associated company constructed the whole of road R1 at its own cost in or about 2001. Presumably this was done with the express or implied consent of the Tripodis.
13. I assume that between the date on which the Tripodis purchased the land and the more recent events of erecting fences and gates referred to below, the Tripodis have not taken any steps to prevent the use of road R1 for the purpose of enabling vehicles to access the car park at the rear of 3 Church Street or to prevent the owner of lot 4 accessing land fronting Princes Street via an existing gate.
14. By letter dated 30 May 2012 the Tripodis proposed to the Council that it discontinue the laneway and “transfer full ownership to us ...”. The letter went on to say “the laneway will be left as an access laneway, servicing our needs”.
15. An Officer’s Report dated 17 December 2012 was prepared in response to this request. The Officer’s Report notes that:-
- (1) Deakin Lane is fully constructed with a width of 4 metres and a length of 48 metres;
 - (2) Deakin Lane is not listed on the Register of Public Roads;
 - (3) Deakin Lane provides access to a car park at the rear of 3 Church Street and an inwards goods delivery door at the rear of 72 Princes Street;
 - (4) Council has drainage assets located within the road.¹
16. The Council resolved to give public notice of its intention to consider the placement of permanent barriers over Deakin Lane and to consider any submissions lodged in response to this proposal.
17. A report to Council dated 18 February 2013 observes:-
- (1) the laneway is listed on the Register of Public Roads – Appendix 4 – Roads not maintained by Latrobe City Council;²

¹ I have subsequently been instructed that a 225mm stormwater pipe running through the entirety of the laneway was constructed by the Council sometime before 1999.

² How it is that the road was not on the Register of Public Roads as at 17 December 2012 but was on that register at 18 February 2013 remains unexplained.

- (2) the Tripodis consider it would be appropriate to discontinue the road and to transfer it back to them for a nominal consideration to be retained as a private access laneway;
 - (3) officers believe it is now the Tripodis' stated intention to prevent adjoining property owners and the general public having continued use of the lane by erecting a boundary fence at the rear of their property and gates across the front of the lane;³
 - (4) officers have formed the opinion that Deakin Lane has acquired the status of a public highway at common law;
 - (5) in September 1999, the Council received a letter from the owner of 3 Church Street concerning the unmade east-west section of Deakin Lane;
 - (6) Latrobe Regional Development Group⁴ has fully funded the construction cost of road R1.
18. This report recommended that the Council resolve that it is of the opinion that Deakin Lane is a public highway and is reasonably required as a road for public use and that the Council not discontinue the road or place permanent barriers across it. The Council resolved to defer the item for one month.
19. An Officer's report of 18 March 2013 stated that the Tripodis had advised that additional information will be provided that is likely to have a major impact on the final outcome of this matter. The information was not available at 18 March 2013. Further consideration of the matter was deferred to 22 April 2013.
20. Prior to the adjourned meeting on 22 April 2013 the Council received:
- (1) letter dated 14 December 2012 concerning a proposed development at 5-7 Church Street;
 - (2) email dated 20 December 2012 indicating the Tripodis' intent to fence off the car park at rear 3 Church Street from road R1;

³ Whilst the Tripodis subsequently disclaimed this intention, as set out below, that is the action that they have now taken.

⁴ I am instructed that Parody Glade Pty Ltd is one of the companies forming this group.

- (3) letter dated 17 January 2013 prepared by John Morrow, barrister and solicitor, regarding the Tripodis' legal rights;
- (4) email dated 18 March 2013 summarising legal advice obtained by the Tripodis.

The Council also sought and obtained legal advice from David Gabriel-Jones of The Public Land Consultancy.

- 21. Consideration of the matter was again deferred.
- 22. Subsequently on 22 April 2013 the Council was provided with a "Supplementary Opinion" dated 22 April 2013 by Mr G Willis.⁶
- 23. On 3 May 2013 Gino Tripodi emailed Mr Paul Buckley.
- 24. On 31 May 2013, Mr Morrow, on behalf of the Tripodis, wrote to the Victorian Ombudsman and to the Honourable Jeanette Powell, then Minister for Local Government.
- 25. In May 2013, persons unknown, but presumably the Tripodis, erected a temporary fence on the boundary between the subject land and 3 Church Street preventing access to the car park at 3 Church Street.
- 26. On 3 June 2013 the Council resolved to further defer consideration of this matter pending the outcome of the Ombudsman's investigation.
- 27. As a consequence of the erection of the temporary fence there was an exchange of correspondence between the Tripodis, their solicitor, the Council and the Council's solicitors.
- 28. By letter dated 4 July 2013, the Council alleged that the Tripodis had taken steps for what appears to be preparation for the erection of a permanent fence in place of the temporary fence. This was denied in a letter from Mr Morrow dated 5 July 2013. However, shortly thereafter, a permanent fence was constructed in the location of the former temporary fence.

⁶ I have subsequently been provided with a copy of Mr Willis' original Opinion dated 15 March 2013.

29. Between 5 July 2013 and 9 October 2013 there was further correspondence between the solicitors for the Council and Mr Morrow. By letter dated 14 October 2013 Mr Morrow confirmed that the Ombudsman's enquiry was concluded and that there would be no investigation.
30. By resolution on 16 December 2013 the Council resolved to give public notice of its intention to declare Deakin Lane a public highway pursuant to section 204 of the *Local Government Act 1989* ("LGA") and to consider any submissions lodged in relation to that proposal at its meeting of 17 February 2014.
31. Subsequent to this resolution, persons unknown, but presumably the Tripodis, erected two substantial steel gates across the entrance of Deakin Lane which were observed to be locked with a chain and padlock.
32. In response to the public notice, three written submissions and 15 form letters were received, including a submission from McDonough & Co, Solicitors, on behalf of Parody Glade Pty Ltd, a joint submission from S & C Tripodi and a submission from G Tripodi.
33. At its meeting on 17 February 2014 the Council resolved to defer consideration of the matter to its next meeting.
34. At the Council's meeting of 3 March 2014, it resolved that certain arrangements be made for obtaining joint legal advice. I am instructed that ultimately these arrangements were rejected by the Tripodis and Parody Glade Pty Ltd.

The Law of Public Highways

35. At the outset it is important to identify that there are two separate questions to be considered.
36. The first question is whether or not road R1 is a public highway at common law? The second question is whether road R1 is a road as defined in the LGA and can therefore be declared to be a public highway by resolution under section 204?

37. If the road is a public roadway at common law then nothing further needs to be done. In *Templestowe Developments Pty Ltd & Ors v City of Booroondara*,⁷ the Court reviewed the common law regarding public highways.
38. The Court commenced by quoting the following definition of a public highway:-
- “At common law a highway was created when a competent landowner manifested an intention to dedicate land as a public road, and there was an acceptance by the public of the proffered dedication.”*⁸
39. It is then necessary to consider what constitutes dedication by a landowner and acceptance by the public.
40. The authorities on the principles of dedication and acceptance can be summarised as follows:
- (1) in Victoria, prior to the commencement of the *Subdivision Act 1988*, the mere registration of a plan of subdivision is not of itself evidence of dedication of the road to the public;⁹
 - (2) any Act which unequivocally indicates an intention on the part of the owner to abandon to the public a right of passage over the road will be effectual as dedication;¹⁰
 - (3) the setting aside of a road on a plan of subdivision provides some evidence of intention to dedicate but further evidence is required;¹¹
 - (4) other indications that the owner intended to dedicate the land may include leaving the road with an opening to a public road without bar or gate;¹²
 - (5) a highway does not need to be a thoroughfare;¹³
 - (6) it is ultimately a question of fact to be determined having regard to all of the circumstances as to whether the owner of the land has demonstrated an intention to dedicate the land to the public;

⁷ [1997] 1 VR 504.

⁸ See *Permanent Trustee Co of New South Wales Limited v Campbelltown* (1960) 105 CLR 401 at 420-3.

⁹ See *Fleming v City of Oakleigh* [1934] VLR 263; *Templestowe Developments Pty Ltd v City of Booroondara* [1997] 1 VR504.

¹⁰ *Ibid*, page 518.

¹¹ *Ibid*, page 519.

¹² *Fleming* supra, at page 266; *Newington v Windeyer* [1985] 3 NSWLR.

¹³ *Templestowe Developments* supra, page 519.

- (7) the offer to dedicate can be withdrawn by the owner at any time before it has been accepted by the public;
- (8) once the public has accepted the dedication the land is a public highway;
- (9) whether or not the dedication has been accepted is again a question of fact;
- (10) the fact that the road is included in a certificate of title registered in the name of a proprietor does not prevent the land referred to in the certificate of title, if it is a public highway, from vesting in the relevant municipality as the indefeasibility provisions set out in section 42 of the *Transfer of Land Act 1958* are overridden by statutory and public rights.¹⁴

Applying the facts to the law of public highways

41. Whilst it is ultimately a question of fact to be determined by the Court, in my opinion, the road R1 is a public highway at common law. Accordingly it is vested in the Council. It follows that the registered proprietors of the land are not the owners of the fee simple and are unable to deal with the land.
42. As I understand it, the facts are not in dispute and are recited above.
43. Relevantly:
 - (1) road R1 is shown on LP418285;
 - (2) the road is accessible from a public road being Deakin Street;
 - (3) at least one property abutting road R1, but outside LP41285, has physical access to road R1;
 - (4) the buildings that have been constructed on lots 1 – 3 appear from the photographs provided to me to have “respected” road R1, in that the photos suggest (although I have not been provided with a survey plan) that the building is generally built close to the south boundary of lot 3 and on the east boundary of lots 1-3, thus keeping road R1 clear and trafficable;
 - (5) since approximately 1993 the car park at the rear of 3 Church Street has been accessed via road R1 apparently without interference or complaint from the registered proprietors until recent events;

¹⁴ See *Calabro v Bayside City Council & Anor* [1999] VSC 509.

- (6) the Council has constructed a drain within road R1 apparently without dissent from the registered proprietors;
 - (7) in or about 2001, some six years after the Tripodis became the registered proprietors, Parody Glade Pty Ltd or companies associated with it treated with the Tripodis regarding the cost of constructing road R1 and ultimately constructed at its own expense, apparently without dissent from the registered proprietors;
 - (8) road R1 has been used by a segment of the public to access the car park at the rear of 3 Church Street since approximately 1993 until recently, without dissent.
44. In my opinion, these facts are sufficient to demonstrate that the original owner of the land at the time of subdivision intended to dedicate road R1 to the public. Specifically, the road was set aside in the plan of subdivision, the road was kept clear of buildings, the road was physically able to be accessed, the road had a connection to a public road.
45. In my opinion, whilst there is no evidence of acceptance before approximately 1993, there is evidence of acceptance at that time by the owner of 3 Church Street, constructing a development that relied on access via road R1 to a car park constructed at the rear of 3 Church Street. There is no evidence that the owner of the land withdrew the dedication of the road prior to that date.
46. Accordingly, based on the facts with which I have been instructed, in my opinion, road R1 became a public highway on the acceptance of the dedication thereof by user commencing in or about 1993. There may have been earlier events that amount to acceptance prior to 1993, however I have not been instructed with any evidence of any earlier events that could amount to acceptance of the dedication by the public.
47. An inference as to dedication can also be drawn from the extent of public use that has occurred without dissent from the registered proprietor. In this case it appears that:
- (1) the former registered proprietor did not object to or lodge an appeal in relation to the grant of the planning permit for 3 Church Street;
 - (2) the Tripodis' acquiesced in the construction of the laneway in 2001;

- (3) the Tripodis' have until recent times accepted the use of road R1 by persons accessing the car park.

The Law Relating to Roads

48. If land is a "road" as defined in the *Local Government Act 1989*, a council may declare the road to be a public highway or to be open to the public under section 204 LGA.

49. Land can be a "road" for the purpose of the LGA, without being a public highway.

50. Section 3 of the LGA includes the following definition:

"Road includes –

- (a) a street; and*
- (b) a right of way; and*
- (c) ...; and*
- (ca) ...; and*
- (d) a passage; and*
- (e) a cul de sac; and*
- (f) a by-pass; and*
- (g) a bridge or ford; and*
- (h) a footpath, bicycle path or nature strip; and*
- (i) any culvert or kerbing or other land or works forming part of the road."*

51. The definition of "road" is inclusive. Accordingly, anything that is a road at common law is included within the definition. The individual types of roads included in the definition are largely unhelpful as the various terms used are not themselves defined and therefore have their natural or usual meaning. The substantive purpose of the definition appears to be one of the convenience of drafting rather than one that expands the common law notion of a road.¹⁵

52. In *Templestowe Developments Pty Ltd*,¹⁶ the facts involved an area of grassed land described in the certificate of title as "a road on plan of subdivision No. 8144". The Council advertised an intention to discontinue the road and retain it for municipal purposes. The registered proprietor challenged the power of the Council to

¹⁵ (c) and (ca) clearly expand the common law notion of a road but are not relevant to this advice.

¹⁶ *Supra*.

discontinue the road. The public had no access to the road which was apparently fenced as part of the garden of an adjoining lot.

53. The plaintiffs argued that the land was not a “road” within the definition in the *Local Government Act 1989*, as it was in force in 1993.¹⁷ The Court held:

- (1) the road did not need to be a public road to come within the definition;
- (2) the definition included roads that were shown on a plan of subdivision or on title but did not exist on the ground (“paper roads”);
- (3) a road delineated on a plan of subdivision is a road for the purpose of the Local Government Act even though it is neither formed nor set out on the ground.

54. The Court held that the disputed land was a road but not a public highway for the purposes of the LGA.

55. In *Bass Coast Shire Council v King*,¹⁸ the Court considered the status of a road on Crown land that did not exist on the ground. Whilst that case is primarily concerned with the question of dedication to the public in the case of Crown lands reserved for the purpose of a road, the Court also made some pertinent comments regarding the ownership of “private roads”.

56. The Court firstly held that it is not relevant whether the road assumes the physical characteristics of a road. Accordingly, a road that does not exist on the ground can still be a road. Conversely, something that looks like a road on the ground is not necessarily a road for the purpose of the Act.

57. On the facts of this case, road R1, as at the current date, is:

- (1) identified as a road on LP41285;
- (2) identified as “road R1” in Certificate of Title Volume 10246 Folio 309;
- (3) set out as a road on the ground.

¹⁷ There have been no material changes to the definition subsequent to the amendments made by Act No. 125/1993.

¹⁸ [1997] 2 VR 1.

58. In my opinion, the reference to “E-2” on the plan of subdivision is of no relevance. If one had access to the original plan of subdivision it would show road R1 coloured brown. For the purpose of digitised titles a colour conversion has been added to the original plan of subdivision whereby “brown = E-2”.
59. Having regard to the three above factors, in my opinion, road R1 is a road within the definition of that term in section 3 of the LGA.
60. It then follows that Latrobe Shire Council has the power to declare the road to be a public highway or to be open to the public pursuant to section 204 of the Act.

Other matters

61. In my opinion, the fact that a person is shown in title as the registered proprietor is irrelevant to the rights of the registered proprietor, if the land in question is a road within the meaning of the LGA. This matter was made clear in the Court’s decision in *Calabro v Bayside City Council*.¹⁹ What underlies the Court’s decision in that case is that the indefeasibility provisions of the *Transfer of Land Act 1958* set out at section 42 of that Act are subject to section 42(2) which makes the title subject to any public rights of way and any easements howsoever acquired subsisting over or upon or affecting the land.

Conclusion

62. For the foregoing reasons, I advise:
- (1) In my opinion road R1 shown on LP41285 is a public highway.
 - (2) Road R1 shown on LP41285 is a road for the purposes of the *Local Government Act 1989*.
 - (3) Road R1 being a public highway, it is a road as defined in the *Road Management Act 2004*.
 - (4) Even if there were insufficient evidence of acceptance to constitute the road as a public highway at common law, the road is nevertheless a road within the meaning of the *Local Government Act 1989*. If there is any remaining doubt as to whether the road is a public highway at common law, a council has the

¹⁹ *Supra*.

13

power to put that matter beyond doubt by adopting the procedure in section
204 LGA 1989.

GRAEME PEAKE

OWEN DIXON CHAMBERS

1 October 2014

LATROBE SHIRE COUNCIL & DEACON LANE**STATUS OF LAND SHOWN AS "ROAD" ON PLAN OF SUBDIVISION 41285 –
DEACON LANE TRARALGON****SUPPLEMENTARY MEMORANDUM OF ADVICE****Instructions**

- 1 By instructions dated 29 August 2014, I was instructed to advise Latrobe City Council as to the status of Deacon Lane, Traralgon.
- 2 I provided my advice in a memorandum dated 1 October 2014. In that memorandum I advised:
 - (1) In my opinion Road R1 shown on LP41285 is a public highway.
 - (2) Road R1 shown on LP41285 is a road for the purposes of the *Local Government Act 1989*.
 - (3) Road R1 being a public highway, it is a road as defined in the *Road Management Act 2004*.
 - (4) Even if there were insufficient evidence of acceptance to constitute the road as a public highway at common law, the road is nevertheless a road within the meaning of the *Local Government Act 1989*. If there is any remaining doubt as to whether the road is a public highway at common law, a council has the power to put the matter beyond doubt by adopting the procedure in section 204 LGA 1989.
- 3 Subsequent to the provision of my memorandum of advice of 1 October 2014, my instructing solicitors have received a letter dated 7 October 2014 from John Morrow, Barrister and Solicitor, whom I understand acts on behalf of the Tripodi family, which letter enclosed a statement from Mr Alan Witchell.

4 I have now been instructed to consider Mr Witchell's statement and to advise whether it causes me to change any of the opinions expressed above.

Mr Witchell's statements

5 Whilst I do not have the benefit of historical title searches, for the purpose of this memorandum I have assumed that the contents of Mr Witchell's statement are correct. He says that:

- (1) Lots 1, 2, 3 and R1 LP041285 were owned by his family together with the land shown on LP 041285 as "NIS"¹ and used for the purpose of a car dealership from the 1970's to 1993. Mr Witchell does not say anything about the ownership or use of lot 4 on the plan of subdivision.
- (2) He leased² vacant land know as 3 Church Street for parking used cars associated with his car dealership for a period of about 12 months from 1992 to 1993. This would appear to be the land owned by Parody Glade Pty Ltd and in respect of which planning permit 93/245/PO was granted on 7 September 1993.
- (3) At the commencement of the lease and at all times prior to the commencement of the lease that are known to Mr Witchell there was a fence separating the west boundary of 3 Church Street from Road R1 which Mr Witchell removed to allow the movement of vehicles from other parts of the dealership property to 3 Church Street.
- (4) Road R1 was not used by members of the public since the beginning of Mr Witchell's family's business on the land in 1969/1970 up to 1993 and until Road R1 was cleared by Mr Witchell to allow access to 3 Church Street it was partly overgrown with blackberry bushes.

Advice

6 I have considered the statement of Alan Witchell.

7 I have not been instructed with any evidence that the laneway was used by the public prior to the construction of the office-showroom at 3 Church Street. My instructions

¹ Meaning "Not In Subdivision"

² I have not been instructed with a copy of this lease, so its terms are not known.

indicate that the laneway had been used by the occupiers of the office showroom to access the six car spaces shown on the plans endorsed under planning permit 93/245/PO and therefore the rear door of the office showroom (there being no other access to that rear door) since the completion of that development apparently in late 1993. I stated at paragraph 45 of my memorandum of 1 October 2014 that prior to 1993, there was no evidence of acceptance of the dedication of the road by the public and there was no evidence that the owner of the land had withdrawn the dedication of the road prior to that date. This remains the case.

- 8 At paragraph 46 of my previous memorandum I advised that road R1 became a public highway on the acceptance of the dedication thereof by user commencing in or about 1993. This remains the case. There is no evidence of any acceptance of dedication prior to the constructions and use of the car park at 3 Church St.
- 9 Mr Witchell's statement is consistent with the assumptions that I have made for the purpose of my memorandum of 1 October 2014, being that, on the evidence available to me, the road R1 did not become a public highway until after the owner's dedication to the public was accepted by a class of the public, being the persons using the car park at 3 Church Street, in or about 1993.
- 10 I cannot exclude the possibility that further evidence may emerge that amounts to a withdrawal of the apparent dedication of Road R1 to the public constituted by showing the road on the plan of subdivision, keeping the road clear of buildings and not excluding the public from the road. However, I am not instructed with any information that demonstrates any intention on the part of the owner of the land to withdraw the dedication of the land to the public, prior to that dedication being accepted in 1993.

Conclusion

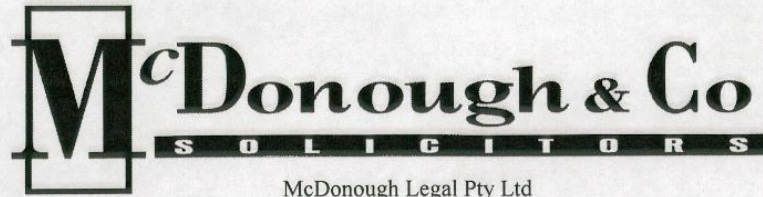
- 11 Accordingly, in my opinion, the statement from Mr Witchell is consistent with the assumptions that I adopted for the purpose of my memorandum of 1 October 2014. Accordingly, this further information does not cause me to alter the opinions that I have previously stated.

4

GRAEME PEAKE

OWEN DIXON CHAMBERS
27 October 2014

PLAN OF SUBDIVISION		STAGE NO. <hr/>	LRS use only EDITION	Plan Number PS725185S
Location of Land Parish: TRARALGON Township: TRARALGON Section: 24 Crown Allotment: 8(PT) Crown Portion: _____ Title Reference: VOL.7263 FOL.425 Last Plan Reference: TP532747M Postal Address: 3 CHURCH STREET, (at time of subdivision) TRARALGON, 3844 MGA94 Co-ordinates E.459 250 (of approx. centre of N.S 772 050 land in plan) ZONE: 55		Council Certification and Endorsement Council Name: LATROBE CITY COUNCIL Ref:		LRS use only Statement of Compliance/ Exemption Statement Received <input type="checkbox"/> Date / / LRS use only PLAN REGISTERED Time Date / / Assistant Registrar of Titles Notations Depth Limitation: DOES NOT APPLY Staging: This is not a staged subdivision Planning permit No. _____ THIS IS A SPEAR PLAN. Survey This plan is not based on survey. This survey has been connected to permanent marks no(s) _____ In Proclaimed Survey Area No. _____
Vesting of Roads and/or Reserves				
Identifier		Council/Body/Person		
ROAD R-1		LATROBE CITY COUNCIL		
Easement Information				
Legend: E - Encumbering Easement or Condition in Crown Grant or the Nature of an Easement A - Appurtenant Easement R - Encumbering Easement (Road)				
Subject Land	Purpose	Width (Metres)	Origin	Land Benefited/In Favour Of
—	—	—	—	—
Beveridge Williams development & environment consultants Traralgon ph : 03 5176 0374 <small>www.beveridgewilliams.com.au</small>		PRINCES HIGHWAY		
SCALE LENGTHS ARE IN METRES		ORIGINAL SCALE 1:250 SHEET SIZE A3	LICENSED SURVEYOR STEVEN JOHN WALLACE SIGNATURE REF. 1400188	SHEET 1 of 1 Sheets DATE / / COUNCIL DELEGATE SIGNATURE



McDonough Legal Pty Ltd
ABN 93 117 567 692

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Ph: (03) 5176 1000
Fax: (03) 5176 1020
Email: law@mcDonough.com.au

4 December 2014

Mr Peter Schulz
Property & Statute Officer
Latrobe City Council
DX 217733
MORWELL

Dear Sir

Deakin Lane, Traralgon

We confirm that we act on behalf of:

- (a) Parody Glade Pty Ltd, the registered proprietor of 3 Church Street, Traralgon;
- (b) Petroleum Property Holdings Pty Ltd, the registered proprietor of the property at 1 Church Street, Traralgon; and
- (c) James Raymond McNiven, Anne Elizabeth McNiven and Jimanne Pty Ltd, the proprietors of the property at 72 Princes Street, Traralgon.

As we have stated in previous correspondence, the rear access to each of these properties was previously obtainable from Deakin Lane and, since the closure of the laneway, rear access to all of these properties has been denied.

It is clear that Deakin Lane is a public road and all of our clients are entitled to have the use and enjoyment of that roadway.

We support Council's proposal to declare Deakin Lane a public highway.

Yours faithfully,
McDonough & Co.

Per:

A handwritten signature in black ink, appearing to be 'PMD', written over a horizontal line.

SEASONS GREETINGS

We wish you the compliments of the season

*This office will close at 12.00 noon on Tuesday 23rd December, 2014
and re-open at 9.00 am on Wednesday 7th January, 2015*

Liability limited by a scheme approved under Professional Standards Legislation

04.12.2014



Sir,

I request that my name be added in support of Mr Gino Tripodi & his Laneway / Highway - Airport Runway next?

I am not a resident, but I did work at the Traralgon City Offices in 1964 & 1965, the Town Clerk at the time was Mr Hickman. We all worked very hard to ensure that the ratepayers were satisfied.

It should be remembered that the most important person is the ratepayer, not the Acting CEO. Mr Tripodi has the laneway on his title, end of story.

It is regrettable that sometimes people in positions of power tend to abuse it, & I'm sure that ratepayers' money could be put to better use.

Yours faithfully
Susan O'Mara.

PS: Please excuse writing - I jammed my finger in the car door.

Mr. John Mitchell
Acting Chief Executive Officer
Latrobe City Council

9 December 2014
Latrobe City Council



Submission re: Council's proposed status alteration of Tripodi/Deakin Laneway to Public Highway

Dear Mr. Mitchell,

I write in strong opposition to the Council's stated intention to alter the status of this Laneway to a Public Highway. I vehemently repute the suggestion that it should become dedicated to the public.

Australia is a country that has a legal system, not a justice system, and where we have the rule of lawyers, not the rule of law, and where managerialism dominates. Accusations have an insidious power when made by people with public influence. They threaten the very fabric of our society.

Justice should always protect the private citizen against those who would interfere with his rights and his dignity. There is a space between the law and justice, and in that space stands common sense and humanity.

It is important that justice is not only done, but seen to be done, as this ensures the continuation of a flourishing, cohesive and fair society.

Charles Waterstreet opined that the truth, in law, in an illusory subject, with many shades of grey.

The recent decision by the Council to declare this Laneway a Public Highway is not only arbitrary, but contrary to both the spirit and the letter of the Local Government Act 1989 and the Road Management Act 2004.

What law has the Tripodi family broken?

Mr. Mitchell, as Acting Chief Executive Officer of the Latrobe City Council, you are the Captain of this group. As Captain:

1. you are the leader,
2. you are the role model,
3. you set the standard,
4. you are the one who leads by example, and
5. you are the one who exemplifies the level of behaviour that is expected of our public representatives.

May you possess the compassion of Charles Waterstreet with the wisdom of Atticus Finch, in order that this, your final direction on this drawn out saga, will ensure you '*finise in bellezza*' (finish in good grace – Tedeschi).

Yours faithfully,

Margaret Stuckey

Margaret Stuckey

[REDACTED]

[REDACTED]



12 December 2014-

To whom it may concern;
RE: The Declaration of a laneway of no titled name,
That Latrobe City Council are calling "DEAKIN LANE"
That is owned in sole proprietorship by;
S, C, D, and G Tripodi
To become a 'Public Highway.

We strongly "OBJECT"
To this attempt to "DECLARE"

As we are the owners of this property, and use it exclusively to assist the running of our business, we see that it would put our family business into a great disadvantage for a number of reasons;

1. We do alot of stock movement in the laneway, which keeps our forklift and trucks off the roadway (Deakin street), to not put the general public at risk, or our drivers/delivery people, also at risk.
2. We have female staff, that work four nights per week, until very late (11pm) or start very early (2:30 to 3:00am). Knowing that the gates are locked as they are within the premises, is assuramy that the safety concerns, are met.
We have had issues in past years, prior to the gates being installed, that the rear of our lane, became a haven for antisocial behavior.
There have been numerous times where we have had to call Police or Ambulance, because of finding person/s causing trouble, passed out, or overdosed on drugs. There have also been times, when I have been working, late at night in the laneway, prior to the installation of the gates, where my life had been in danger of volitile people, using our lane as place to partake in the use of substances, where I simply have walked up to enter through our only point of enterance, a side access door.
3. Since the gates have been installed, we have never been broken into. We also have never had a motor vehicle damaged, or broken onto, either.
4. We use the north and south part of the lane (a total leghth of 18.5 metres by 5.2 mtres) as a storage area, for produce bins and pallets. These are stored safely, and forklift activity in that area is high. The bins and pallets belong to primary producers, for whom we transport or pre pack their produce, which alternitavely, is sold in our fruit shop, or other places throughout the Latrobe Valley. To lose this fascility, as I have idicated earlier, which is OWNED by my family, could mean that we may have to look for an alternative to continue our work. Given the facts that at current, as the economic crisis is tough, should Council go ahead, with an UNCONSENTED Declaration, this could be the finale of our family business.
5. The east to west part of the lane, is used for loading and unloading. Delivery vehicles, come and go rapidly. Forklift use is high, and with gates shut, and forklift use, creates a 'public safe' work place, and is compliant with the WorkSafe initiatives.

6. We are currently paying 'Public Liability' insurance for laneway. If Council proceed with this UNCONSENTED Declaration, we will cease this policy, as any unprecedented event of a member of public being seriously injured, or worse, shall then be liable by Council.

So, in short, I have given you valid health and safety issues, which as the LAND OWNERS, we have partaken, to assure peoples quality of life, being staff, or our client base, which use our laneway.

With your UNCONSENTED Declaration, should it be successful, what is Council going to implement, to assure us, of our health and safety?
We know that Council will have to serve us a "Complieny time" to remove the rear fence and gates, for which I know that Council will not provide. But what is Council going to do, to help us maintain our business, our safety, our client base safety, and our staff base safety?

I assure you, Council will do nothing, as they have in the past.

We are well aware of the happenings of this week, and also well aware that there is a promise to my nieghbour, that they will have access, returned, as immediate as possible.

Council, has made two offers to purchase, yet until now, as we are commencing our 'third year of battle', have not at any stage, came to us in any humble manor, to ask if there could be a way that we could all find a humble resolution.

Council's previous and current CEO's, along with their Council Officers, have only victimised, bullied and defamed us, in order to UNLAWFULLY take our lane.

We have already been made aware, that your current, Acting CEO, together with our conflicting nieghbour, have canvassed the other nieghbours, to support this Declaration.

This was bought up at a meeting on the 22 July 2014, in the precence of the Deputy Ombudsman and his investigator. The excuse was it would be great for future development oppertunities.

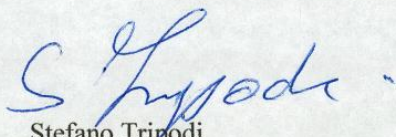
In order for this to take place, to assist the land owner, who, under the the 'Law Of Subdivision' of a 'Private Subdivision', does not have an access right, and his friend, and Acting CEO, to assure him that he will have access, before his time as Acting CEO, ceases, I ask you, how is this going to be beneficial, by 'STEALING' off a lititimate land owner, to feather someone elses nest.

As I stated earlier, we are aware of what has transpired this week,
We are aware that it has no bearing on Councillors, as to the strength of this letter.
We are also aware, that no matter how many submissions go in, in our favour,
Council will act to suit my nieghbour, given the evidence that we presented on the 17 November 2014, Council, opting to 'ask the public', simply as decoy, to have used this time to comply.

If this is an open and honest Council, they would see it fit that prior commencing this whole concoction of lies, cheating, and vengeance, and avoiding a well respected family, to give them only three minutes in "Public Gallery" to fight for their land, and continually on the back foot. We will make this Council liable for all of its wrong doings.

There is protocol and procedure.

Thank you for disrespecting a part of Traralgon's fabric, and a well respected family, not only in Traralgon, but Victoria, Australia, and through our business, stemming from Traralgon, but well respected in allot of countries.



Stefano Tripodi
Stefano and Concetta Tripodi.



12 December 2014

To Whom it may concern;

RE: The Dedication, of our laneway, of no name

That Council have called "DEAKIN LANE"

I, Damiano Tripodi, is one of the partners of this property and subdivision.

I formally "OBJECT" to Council's proposed 'Dedication'.

REASONS:

The laneway has no use or value to the general Public.

We have owned this property from 1995/96, and have not ever witnessed the public using this lane to "go" somewhere, or come from "somewhere". It is a dead end, which finishes at our northern boundary fence.

The only reason why I see this persued by Council, is to give access to our nieghbour, from who, had a building permit, approved, without Council looking into, at a professional level, as to who owned what nieghbouring properties. Council, at the time, 'assumed' that the lane may have been 'public', or were completely ignorant, and knowing that it was not, yet took it on, as if it were.

Without Council approaching us, to see if we could find a way to address this situation, it has gone ahead, without any consultation to us, by victimising and bullying us, to take our lane.

For a Governing Body, that we ellect, to act dilligently and lawfully, I am ashamed that this Council have neglected to include us, in this, in a way that could be resolved at a personal level.

I strongly "OBJECT".

Thank you

A handwritten signature in dark ink, appearing to be "DT" followed by a vertical line and a flourish.

Damian Tripodi.



Dear members of Latrobe City Council

I wish to put forward an objection to the proposal to declare Deakin Lane to be a public road.

I am Gino Tripodi's long term partner. The issues that Gino, his family and I have been through over the laneway have had a devastating effect on our lives.

The issue of Complaint

As I see it, the Council officers, principally the 2 CEO's Paul Buckley and John Mitchell, have been assisting their friend and associate, Lco Di Fabrizio to take away our lane, to fix up a problem originally created by Mitchell, when he granted a permit for Di Fabrizio to build a shop with a rear car park, which had no entrance other than by taking away our laneway.

It is plain wrong and unfair for the Council to relentlessly pursue this issue for the benefit of our neighbour, who received generous help from Council officers who allowed him to build offices under a permit to build a shop and then told him he had access rights over our land when they had no right to do so, as he had not even complied with their wrongly issued permit, which required him to transfer 1.73 meters of land to the Council. They should have insisted on off street parking at the front of the block on Church Street.

The Council should not now be assisting Council officers to mend their mistake by punishing us. This is not a case of nice legal arguments about the definition of a public road (if it was already a public road you wouldn't need to go through the process of a public road declaration) but is purely a case of mismanagement on the part of council officers who have continued to assist Di Fabrizio to cover up their initial mistake, with no regard whatsoever for our rights and our feelings. Their mistakes are plain to see on the Permit and Plans.

I sincerely believe that if the Council is to act honourably and fairly it should not assist the Council officers and Di Fabrizio, by proceeding with the public road declaration for our laneway. They created the problem and the solution should not be the taking away of our rights but rather the provision of adequate parking for 3 Church Street in Church Street itself or an entrance to the rear of Church Street from the neighbouring property to the north owned by members of Di Fabrizio's family (strangers should not suffer when the family can provide the solution).

Has anyone stopped to ask why the Council officers are pushing this matter onto Council? Council should not act as a rubber stamp for these vested interests.

Effect on Family

I have watched Gino deal with the severe financial strain of high legal costs in this fight against Latrobe City. Gino runs a very successful transport business (which supports many of our local farmers) and has a beautiful truck, which is all due to his hard work ethic and determination, he does not let anyone down. He has a great deal of pride in what he does and supports those close to him. His family is his greatest love and for him they will always come first, hence his desire to fight for what is legally theirs and he won't stop especially when he knows he is right!

Gino has had several health scares during this ongoing battle, the heart attack prior to Easter in 2014 that had him air lifted from to Traralgon to St Vincent's Private Hospital was something I will never forget. I had to leave work when I received the phone call and take 2 weeks leave to care of him during and after his return home. This was hard on myself. I could see Gino was suffering prior to the

heart attack, his stress levels were high, his conversations were only to do with the laneway issue, trying to understand why the Council was siding unfairly with Di Fabrizio, and trying to work out what to do next and what the Council's next move was going to be. The whole issue has consumed his mind and body, and something had to give! Fortunately it's a good thing you can't keep a good man down, he got back up and has had to keep fighting on and on and on!!!!

This has also been a very hard time on Gino's parents. They could see the effect that it is having on Gino and have supported him with all decisions he has had to make on behalf of their family. Mr & Mrs Tripodi have been retired from their fruit shop for several years now. This is not how they planned their retirement to be. When they first decided to retire back in Dec 2011 they were sourcing passport information and family contacts in Italy to take a trip "home" to see what family they had to visit, in particular Mrs Tripodi's sister before she passed away. She didn't get to see her sister and they never will take that trip now. I hope they will be able to enjoy some stress free time in their holiday house at Lake Entrance from time to time because I think that is as far as they will go now. They now even seldom use this even on weekends just in case there is some news regarding the lane - way that they need to know about and Mr Tripodi doesn't like to drive when his judgment is clouded with these concerns.

This issue has not only changed the lives of Gino and I, but also many of the lives around us forever. Before this whole issue started, Gino and I had been trying to start a family of our own, but were unsuccessful so with further investigation we realised we needed the assistance of IVF, so we filled in paper work and consulted with specialists both at the Royal Women's and Royal Melbourne Hospitals (due to my heart condition) we came to the understanding that this was going to be stressful and cost us BIG DOLLRS... not only for the IVF procedures but also the time off work I would have to take due the advice from doctors. With all of the issues surrounding the laneway (both financial and emotional) we felt we could not proceed. In reality, our decision not to proceed was the result of the trauma we have suffered at the hands of the Council proceeding with this matter without regard to our interests. We will not now have a family and I believe Council has taken that opportunity away from us. This not only affects us, but also deprives both of our parents who will never have our grandchildren to hold. So for those of you who are lucky enough to have children to go home to each night to put to bed or spend time with on weekends, think yourselves very lucky because that is something we will never experience and have had to grieve for this loss because of a fight that has gone on for far too long and for so many unnecessary reasons.

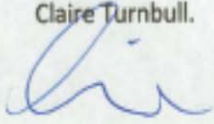
So yes, this has effected several people in different ways and for what reason, you tell me with an honest answer because what I have sat and heard at each council meeting and each letter I have read it just doesn't make sense.

Your decision

In making your decision please think about the effect that this is having on people, is it that big of an issue that needs to change people's lives just for the sake of 1.73 metres. Why do things need to change just to suit one man's financial interests against the interests of an entire family? This is a fight that could have been worked out in a diplomatic way instead of being dragged through a legal system, robbing families of hard working earnings and rate payers money that could have been used in an area that could have really benefited the "Public" in a better way. Again, tell me how the public will be better off for this declaration when the laneway goes nowhere and the public have no need to use the back of two neighbouring buildings? If it proceeds, this is not a public road declaration but a Di Fabrizio declaration.

When you all sit around a table and make judgment on what is right or wrong I would like you to take into account all of the things I have said in this letter and if you do decide to go ahead I would like to know what matters you took into account and all of your reasons for rejecting my plea to you not to proceed.

Claire Turnbull.



SUBMISSION TO CITY OF LATROBE

AGAINST PROPOSED DECLARATION OF PUBLIC HIGHWAY, DEAKIN LANE, TRARALGON

BY OWNERS OF DEAKIN LANE

1. This submission is lodged in response to a public notice under s 223 of the *Local Government Act 1989* calling for submissions in respect of a proposal to declare Deakin Lane, Traralgon to be a public highway.
2. The Tripodi family own the affected area (Deakin Lane). We paid for the land of Deakin Lane and the laneway land is mortgaged to the ANZ Bank.
3. We respectfully submit Council should not proceed with the declaration.
4. The grounds for this submission are that:
 - Council would be confiscating private property without compensation. This sets a very bad precedent. It will upset our bank and may make all banks reluctant to lend to businesses in the City of Latrobe who are in a similar position to us;
 - Making the laneway a public highway will seriously interfere with us conducting our business at 2 Deakin Street: we rely on our trucks being able to load and unload in the lane and to store our palettes.
 - there is no need for Deakin Lane to be declared a public highway, and
 - it would be a misuse of Council's powers under the Local Government Act to do so.
5. Financial impact on Tripodis
 - a. It is bad policy to take away the laneway from the Tripodis. It will seriously impact on the value and viability of our land and business. Does Council really want to discourage other businesses from setting up in the City?
 - b. **The lane is in constant use by the Tripodis as part of our family business** at 2 Deakin Street. We use the lane 24 hours a day 7 days a week. Every day our trucks are moved around for loading and unloading of produce, in addition to all other vehicles dropping off and collecting produce.
 - c. Stock arrives every day and at any time, including on Saturday and Sunday and as frequently as 3 to 4 times per day. On each of Monday, Wednesday and Thursday delivery drivers arrive from 8:00 a.m. to 1:00 p.m. or 2:00 p.m. and are in and out of the property all day.

- d. We store spare palettes in the lane at the back of the building.
- e. If the lane is made into a public highway we will not be able to use it in the same way.
- f. The laneway land is mortgaged to the ANZ Bank – it is not only the Tripodis who will be affected by taking away their land.
- g. **Confiscation:** Council does not own the land of a private road and will be taking private property. Council will be taking the benefit of the expense laid out by the owners of Deakin Lane in forming and maintaining the lane over many years, with no compensation. This will be a very bad precedent to set and is likely to increase demands on Council's engineering and roads department and budget.

6. In addition:

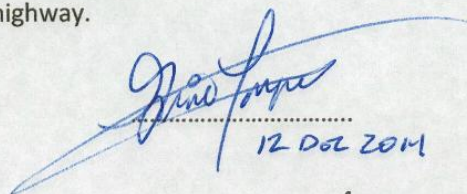
- a. Deakin Lane is not a government road. **It is a private easement created over private land by private owners in 1957 for the private use of specific adjoining properties.** Private rights of access to the lane were granted by an easement only in favour of four specific landowners (Lots 1 – 4 on Lodged Plan 41285, being 2 Deakin St and 72 Princes Street). This means that the lane is different from other roads and laneways laid out in Crown surveys. Those other roads vest in Council automatically by operation of law. Deakin Lane does not.
- b. This also means that if Council decides not to declare this lane a public highway, that there is **no precedent for other laneways** in the City, unless those laneways share the special features of this case.
- c. **Because Deakin Lane is a private road, Council has never spent a cent** on making or maintaining the lane. Council will be taking on new financial obligations for the upkeep of the road, whereas historically and at present, it is a private responsibility of the owners of the land.
- d. **Laneway is below standard** – the laneway is not a proper width for use as public highway – it is only 14 feet (4.266 metres) wide. It is a dead end (a cul-de-sac). It leads nowhere and simply provides access to warehouses on the easement-holders' properties.
- e. Separately, Council has drainage assets in the lane. These are intact and undisturbed and are not affected by the lane being private property. There is

no need to declare a public highway in order to continue to have the benefit of those assets. They are fully protected by legal rights as things stand.

- f. **All the neighbouring easement holders**, who have private easement rights of access over Deakin Lane, continue to have rights of access to the lane without obstruction or difficulty. The private easement gives all the necessary rights of access to the lane.
 - g. **All other properties abutting the lane have alternative, perfectly acceptable and useable street access to their properties** (from Church Street, Princes Highway or Deakin Street). The owners on Princes Highway and on Church Street (5 - 7 Church St) have never used the lane.
 - h. **No public purpose would be served by making a declaration** of the lane as a public highway. The only person who would benefit by a declaration is the owner of 3 Church Street. This owner is trying to make use of the lane without permission of the owners of the lane. The owner of 3 Church Street relies on an erroneous assumption by the predecessor Council when in 1993 it granted a planning permit for redevelopment of 3 Church Street. In 1993 Council officers were planning a super carpark in the middle of Deakin Street and Church Street. That plan never got off the ground; in anticipation of it going ahead, the permit conditions on 3 Church Street (wrongly) assumed that the lane could be used for access.
 - i. For some years after 1995, Tripodis have let Parody Glade people use the laneway (because thje Parody Glade people asserted wrongly that they had a permit to access their property from the lane), but withdrew their permission more recently when they established the permit did not provide access. As the owners of private land, we were within our rights to do so. The 'public' has never been invited to use the lane and the 'public' has never done so.
 - j. The council of 1993 made a mistake in thinking that public access to 3 Church Street could be allowed from the lane, without consulting the owners of Deakin Lane. It would compound this mistake for this Council to now declare the lane a public highway.
7. Contrary to the statement in the Council papers, the legal opinion of Mr Graeme Peake QC does not confirm past advice. Mr Peake's opinion is conditional and highly qualified – he says that it depends on the facts; and his opinion is based on the facts as he understands them to be at the moment. A more detailed and expensive

investigation of the facts - for example, in a Supreme Court challenge - can be expected to show different results.

8. By proposing to use the power in section 204 of the Local Government Act, Council is acknowledging that Deakin Lane is not now a public highway. The questions for Council then in this case are:
 - **why** is it proposed to declare this little private lane to be a "public highway"?
 - How will the public benefit??
 - How is it reasonably necessary for the public for the lane to be a public highway?
 - What contribution to the economic development of the City will be added by turning this dead-end private lane into a public highway???
9. The answer is that there is no need in the public interest to make this private road a public highway. The lane leads nowhere; no business will be affected by it staying as it is, but a thriving retail and wholesale business of the Tripodi family will be seriously and adversely affected if the lane is declared as a public highway..
10. Council is simply being asked to become involved in a private disagreement between two neighbours. It is a waste of public resources and unnecessary to exercise public power over private land simply to benefit one other landowner, who has perfectly adequate access to his property from an existing public highway – Church St - as well as having private rights arranged with its associate, the owner of 5-7 Church St, which has a large car park on the abutting block to the north.
11. Like all statutory powers, the power in section 204 of the Local Government Act may only be used reasonably and for a proper purpose. Otherwise, the declaration would be invalid and ineffective. Council would be acting invalidly if it proceeds with the declaration of Deakin Lane as a public highway.
12. Rather than have the matter litigated in the Supreme Court with Council as the defendant, Council should take no further action and leave Deakin Lane as a private road and the neighbours to sort things out between themselves.
13. For these reasons, we respectfully urge Council to take no further action with respect to the declaration of Deakin Lane as a public highway.


12 Dec 2011



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There were conditions of that permit which were never complied with by the neighbours and not enforced by the Council officers, being primarily the building of a shop, and a Permit Condition which in short says 'prior to using the premises after completion of building, the owner shall transfer to Council, at his cost, title to the rear portion of 1.73 metres width and 15.2 metres length of the land title of 3 Church Street'. **THIS NEVER TOOK PLACE** and we were falsely told by the owner and by the former and current CEO's of the Council that the neighbour had a valid access permit over our laneway.

Since we learned that our neighbour had never had such a valid access permit we replaced the divisional boundary fence that had been removed to give them access.

We have at all times acted in accordance with the law to protect our property rights in the Laneway. However, the Council has and is doing all it can to take away those rights and assist our neighbour to gain access rights over our land, which he is not even entitled to under the Councils own permit conditions.

In the process we have been bullied, victimised and defamed for not going along with Councils attempts to overcome its own failure to enforce the conditions of its permit. This includes the former CEO lodging an application in our name which was not in accord with our wishes and the present CEO making a miserably small offer to purchase our property for the sole purpose of supporting one person (our neighbour) who flouted and continues to flout the permit conditions.

Having failed in these attempts, the Council is now attempting to confiscate our laneway (in order to gain access for our neighbour) by falsely asserting that our laneway has been dedicated to the public. We have never done anything to dedicate our lane as a public road. The lane is not required for public purposes but for the private purposes of a neighbour who never complied with a Council permit, which should never have been issued over our land in the first place. The permit for the car park should have been for the front of the block on Church Street.

Every citizen should be concerned when the Council acts in this way to ride roughshod over a landowner's rights.

We need your support.

Please fill in your details below to support us by saying:

"NO, WE DO NOT WISH TRIPODI'S LANE TO BE DEDICATED TO THE PUBLIC"

Please feel free to view our "Title"

*Please Note

Be sure to leave a contact phone number and/or address. as Council officers are likely to call you, as they have 'trust' issues with us.

Thank you
Gino Tripodi

Name G. Lognella Address [REDACTED] Phone [REDACTED]

Signature G. Lognella

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Name: Tom TOGANELLA Address: [REDACTED] Phone: [REDACTED]

Signature: [Handwritten Signature] TRARAGON

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Name: Maree Whitty Address: [Redacted] Phone: [Redacted]
Signature: [Handwritten Signature] Traralgon

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Gino Tripodi

Name Emma Wilson

Address [REDACTED]

Phone [REDACTED]

Signature EWilson

Traralgon

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Name: Bence Gore Address: [Redacted] Phone: [Redacted]
Signature: [Handwritten Signature] Traralgon 5th

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Thank you
Gino Tripodi

Name.. Kellie Ward Address.. [REDACTED] Phone.. [REDACTED]
Signature.. [Handwritten Signature] Traralgon

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Name... Jane Sultana Address... [redacted] Phone... [redacted]

Signature... [handwritten signature] Churchill

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Name: Alessa Rowley Address: [REDACTED] Phone: [REDACTED]
Signature: [Handwritten Signature]

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Name: Bob Williams

Address: [REDACTED]

Phone: street Gregory

Signature: [Signature]

Phone: [REDACTED]

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Name Therese Pryde

Address [Redacted]

Phone [Redacted]

Signature [Handwritten Signature]

Traralgon

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Name BRETT LANG

Address [REDACTED]

Phone [REDACTED]

Signature [Handwritten Signature]

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Name.. Alison Lang Address... [redacted] Phone.. [redacted]

Signature: AL

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Name Catherine Colonnell Address [REDACTED] Phone [REDACTED]

Signature [Handwritten Signature]

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Name: DIANE TRIPODI Address: [REDACTED] Phone: [REDACTED]

Signature: [Handwritten Signature] TRARALGON

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Name: Janelle... Duncan Address: [REDACTED] Phone: [REDACTED]

Signature: Janelle Duncan Traralgon

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Name Tamara Truill Address [REDACTED] Phone [REDACTED]
Signature [Handwritten Signature] Tiger

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Gino Tripodi

Name: Bernadette Aitken Address: [REDACTED] Phone: [REDACTED]

Signature: [Signature] Tgon

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Name..... *Ginabel Meyer* Address..... *Traralgon* Phone..... *3844*

Signature..... *[Handwritten Signature]*

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Signature: Melissa Morris

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Name Kellie Scott Address [REDACTED] Phone [REDACTED]
Signature Kellie Scott Traralgon

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Name Cath O'Kane Address [REDACTED] Phone [REDACTED]
Signature [Handwritten Signature] Traralgon

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Name Nazim Selwyn Address [Redacted] Phone [Redacted]

Signature [Handwritten Signature] Calligree

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Name: Kate Ranky Address: [REDACTED] Phone: [REDACTED]
 Signature: [Handwritten Signature] Traralgon

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Signature... [Handwritten Signature] Traralgon

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Name Una M. Fisher Address [REDACTED] Phone [REDACTED].....

Signature Una M. Fisher

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Name. Natalie Matthews Address. [REDACTED] Traralgon Phone.. [REDACTED]

Signature. [Handwritten Signature]

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Name GREG BUARTE Address [REDACTED] Phone [REDACTED]
 Signature [Handwritten Signature] TRARALGON

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Name: F. DELIA FORTUNA Address: [REDACTED] Phone: [REDACTED]

Signature: [Handwritten Signature]

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Name BELINDA RUFF Address [REDACTED] Phone [REDACTED]
TRARALGON

Signature [Handwritten Signature]

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Name.. Jill Theissling... Address.. [REDACTED] Phone.. [REDACTED]...

Signature.. [Handwritten Signature]... Traralgon.

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Signature: [Handwritten Signature]

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Name..... *Ewan Warfield*

Address..... [REDACTED]

Phone..... [REDACTED]

Signature..... *EW*

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Name Lindsay Haley Address [Redacted] Phone [Redacted]
 Signature [Handwritten Signature] Traralgon

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Name Joanne Delaland Address [REDACTED] Phone [REDACTED]

Signature Joanne Delaland

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Name. Melissa Scott

Address. [REDACTED]

Phone. [REDACTED]

Signature. [Handwritten Signature]

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Name Gwerda Eleftheriou Address [REDACTED] Phone [REDACTED]

Signature [Handwritten Signature]

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Name... Gino Tripodi Address... [REDACTED] Phone... [REDACTED]

Signature... [Handwritten Signature] Traralgon South

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Name: JONNE SALETAD Address: [REDACTED] TRARALGON Phone: [REDACTED]

Signature: [Handwritten Signature]

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Name: Elizabeth Bell Address: [Redacted] Phone: [Redacted]
Signature: [Handwritten Signature] Traralgon

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Thank you
Gino Tripodi

Name... *Gino Tripodi* ... Address... [REDACTED] ... Phone... [REDACTED] ...

Signature... *[Handwritten Signature]*

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Name: Ainslee Samuel Address: [REDACTED] Phone: [REDACTED]

Signature: [Handwritten Signature] Traralgon.

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Name: Kylie O'Brien Address: [REDACTED] Phone: [REDACTED]

Signature: [Handwritten Signature] Traralgon

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Name..... ROGER TRIPODI Address..... [REDACTED] T/600 Phone..... [REDACTED]

Signature..... [Handwritten Signature]

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Name: Allyson Dean Address: [REDACTED] Phone: [REDACTED]

Signature: [Handwritten Signature]

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Name: ALLAN RIPA DEAKIN LANE Address: [REDACTED] Phone: [REDACTED]

Signature: [Handwritten Signature] GLEN GARRY

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Name: Nicola Hodgskiss Address: [REDACTED] Phone: [REDACTED]
Signature: [Handwritten Signature] Traralgon

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Name PAUL BURNS Address [REDACTED] Phone [REDACTED]

Signature [Handwritten Signature] TEV.

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Signature: Patricia Goodall

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Name... Billie Liang ... Address... [REDACTED] ... Phone... [REDACTED] ...

Signature... [Handwritten Signature] ... Traralgon

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Name J Mackie..... Address [REDACTED] Phone.....

Signature [Handwritten Signature].....

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We have at all times acted in accordance with the law to protect our property rights in the Laneway. However, the Council has and is doing all it can to take away those rights and assist our neighbour to gain access rights over our land, which he is not even entitled to under the Councils own permit conditions.

In the process we have been bullied, victimised and defamed for not going along with Councils attempts to overcome its own failure to enforce the conditions of its permit. This includes the former CEO lodging an application in our name which was not in accord with our wishes and the present CEO making a miserably small offer to purchase our property for the sole purpose of supporting one person (our neighbour) who flouted and continues to flout the permit conditions.

Having failed in these attempts, the Council is now attempting to confiscate our laneway (in order to gain access for our neighbour) by falsely asserting that our laneway has been dedicated to the public. We have never done anything to dedicate our lane as a public road. The lane is not required for public purposes but for the private purposes of a neighbour who never complied with a Council permit, which should never have been issued over our land in the first place. The permit for the car park should have been for the front of the block on Church Street.

Every citizen should be concerned when the Council acts in this way to ride roughshod over a landowner's rights.

We need your support.

Please fill in your details below to support us by saying:

"NO, WE DO NOT WISH TRIPODI'S LANE TO BE DEDICATED TO THE PUBLIC"

Please feel free to view our "Title"

*Please Note

Be sure to leave a contact phone number and/or address. as Council officers are likely to call you, as they have 'trust' issues with us.

Thank you
Gino Tripodi

Name: ADRIENNE EVANS Address: [REDACTED] Phone: [REDACTED]
Signature: [Handwritten Signature] TRARALGON 3844

Dear Members of the Public

As you are aware we are in a stoush with Latrobe City Council over the rights to our Laneway, which the Council has, without our consent or approval called Deakin Lane, even though we own the Title to the Laneway.

The trouble started in 1993/94, when the Council issued a building permit to a rear neighbour, to build a shop on the land at 3 Church Street.

There were conditions of that permit which were never complied with by the neighbours and not enforced by the Council officers, being primarily the building of a shop, and a Perrait Condition which in short says '*prior to using the premises after completion of building, the owner shall transfer to Council, at his cost, title to the rear portion of 1.73 metres width and 15.2 metres length of the land title of 3 Church Street*'. **THIS NEVER TOOK PLACE** and we were falsely told by the owner and by the former and current CEO's of the Council that the neighbour had a valid access permit over our laneway.

Since we learned that our neighbour had never had such a valid access permit we replaced the divisional boundary fence that had been removed to give them access.

We have at all times acted in accordance with the law to protect our property rights in the Laneway. However, the Council has and is doing all it can to take away those rights and assist our neighbour to gain access rights over our land, which he is not even entitled to under the Councils own permit conditions.

In the process we have been bullied, victimised and defamed for not going along with Councils attempts to overcome its own failure to enforce the conditions of its permit. This includes the former CEO lodging an application in our name which was not in accord with our wishes and the present CEO making a miserably small offer to purchase our property for the sole purpose of supporting one person (our neighbour) who flouted and continues to flout the permit conditions.

Having failed in these attempts, the Council is now attempting to confiscate our laneway (in order to gain access for our neighbour) by falsely asserting that our laneway has been dedicated to the public. We have never done anything to dedicate our lane as a public road. The lane is not required for public purposes but for the private purposes of a neighbour who never complied with a Council permit, which should never have been issued over our land in the first place. The permit for the car park should have been for the front of the block on Church Street.

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We need your support.

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Please feel free to view our "Title"

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Thank you
Gino Tripodi

Name: TONY ANTONIOPOULOS Address: [REDACTED] Phone: [REDACTED]

Signature: [Handwritten Signature]

Dear Members of the Public

As you are aware we are in a stoush with Latrobe City Council over the rights to our Laneway, which the Council has, without our consent or approval called Deakin Lane, even though we own the Title to the Laneway.

The trouble started in 1993/94, when the Council issued a building permit to a rear neighbour, to build a shop on the land at 3 Church Street.

There were conditions of that permit which were never complied with by the neighbours and not enforced by the Council officers, being primarily the building of a shop, and a Permit Condition which in short says '*prior to using the premises after completion of building, the owner shall transfer to Council, at his cost, title to the rear portion of 1.73 metres width and 15.2 metres length of the land title of 3 Church Street*'. **THIS NEVER TOOK PLACE** and we were falsely told by the owner and by the former and current CEO's of the Council that the neighbour had a valid access permit over our laneway.

Since we learned that our neighbour had never had such a valid access permit we replaced the divisional boundary fence that had been removed to give them access.

We have at all times acted in accordance with the law to protect our property rights in the Laneway. However, the Council has and is doing all it can to take away those rights and assist our neighbour to gain access rights over our land, which he is not even entitled to under the Councils own permit conditions.

In the process we have been bullied, victimised and defamed for not going along with Councils attempts to overcome its own failure to enforce the conditions of its permit. This includes the former CEO lodging an application in our name which was not in accord with our wishes and the present CEO making a miserably small offer to purchase our property for the sole purpose of supporting one person (our neighbour) who flouted and continues to flout the permit conditions.

Having failed in these attempts, the Council is now attempting to confiscate our laneway (in order to gain access for our neighbour) by falsely asserting that our laneway has been dedicated to the public. We have never done anything to dedicate our lane as a public road. The lane is not required for public purposes but for the private purposes of a neighbour who never complied with a Council permit, which should never have been issued over our land in the first place. The permit for the car park should have been for the front of the block on Church Street.

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We need your support.

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*Please Note

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Thank you
Gino Tripodi

Name G. Shields Address [REDACTED] Phone [REDACTED]

Signature G. C. Shields

Dear Members of the Public

As you are aware we are in a stoush with Latrobe City Council over the rights to our Laneway, which the Council has, without our consent or approval called Deakin Lane, even though we own the Title to the Laneway.

The trouble started in 1993/94, when the Council issued a building permit to a rear neighbour, to build a shop on the land at 3 Church Street.

There were conditions of that permit which were never complied with by the neighbours and not enforced by the Council officers, being primarily the building of a shop, and a Permit Condition which in short says '*prior to using the premises after completion of building, the owner shall transfer to Council, at his cost, title to the rear portion of 1.73 metres width and 15.2 metres length of the land title of 3 Church Street*'. **THIS NEVER TOOK PLACE** and we were falsely told by the owner and by the former and current CEO's of the Council that the neighbour had a valid access permit over our laneway.

Since we learned that our neighbour had never had such a valid access permit we replaced the divisional boundary fence that had been removed to give them access.

We have at all times acted in accordance with the law to protect our property rights in the Laneway. However, the Council has and is doing all it can to take away those rights and assist our neighbour to gain access rights over our land, which he is not even entitled to under the Councils own permit conditions.

In the process we have been bullied, victimised and defamed for not going along with Councils attempts to overcome its own failure to enforce the conditions of its permit. This includes the former CEO lodging an application in our name which was not in accord with our wishes and the present CEO making a miserably small offer to purchase our property for the sole purpose of supporting one person (our neighbour) who flouted and continues to flout the permit conditions.

Having failed in these attempts, the Council is now attempting to confiscate our laneway (in order to gain access for our neighbour) by falsely asserting that our laneway has been dedicated to the public. We have never done anything to dedicate our lane as a public road. The lane is not required for public purposes but for the private purposes of a neighbour who never complied with a Council permit, which should never have been issued over our land in the first place. The permit for the car park should have been for the front of the block on Church Street.

Every citizen should be concerned when the Council acts in this way to ride roughshod over a landowner's rights.

We need your support.

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Please feel free to view our "Title"

***Please Note**

Be sure to leave a contact phone number and/or address. as Council officers are likely to call you, as they have 'trust' issues with us.

Thank you
Gino Tripodi

Name: Jody Hallyburton Address: [REDACTED] Phone: [REDACTED]

Signature: [Handwritten Signature]

Dear Members of the Public

As you are aware we are in a stoush with Latrobe City Council over the rights to our Laneway, which the Council has, without our consent or approval called Deakin Lane, even though we own the Title to the Laneway.

The trouble started in 1993/94, when the Council issued a building permit to a rear neighbour, to build a shop on the land at 3 Church Street.

There were conditions of that permit which were never complied with by the neighbours and not enforced by the Council officers, being primarily the building of a shop, and a Permit Condition which in short says '*prior to using the premises after completion of building, the owner shall transfer to Council, at his cost, title to the rear portion of 1.73 metres width and 15.2 metres length of the land title of 3 Church Street*'. **THIS NEVER TOOK PLACE** and we were falsely told by the owner and by the former and current CEO's of the Council that the neighbour had a valid access permit over our laneway.

Since we learned that our neighbour had never had such a valid access permit we replaced the divisional boundary fence that had been removed to give them access.

We have at all times acted in accordance with the law to protect our property rights in the Laneway. However, the Council has and is doing all it can to take away those rights and assist our neighbour to gain access rights over our land, which he is not even entitled to under the Councils own permit conditions.

In the process we have been bullied, victimised and defamed for not going along with Councils attempts to overcome its own failure to enforce the conditions of its permit. This includes the former CEO lodging an application in our name which was not in accord with our wishes and the present CEO making a miserably small offer to purchase our property for the sole purpose of supporting one person (our neighbour) who flouted and continues to flout the permit conditions.

Having failed in these attempts, the Council is now attempting to confiscate our laneway (in order to gain access for our neighbour) by falsely asserting that our laneway has been dedicated to the public. We have never done anything to dedicate our lane as a public road. The lane is not required for public purposes but for the private purposes of a neighbour who never complied with a Council permit, which should never have been issued over our land in the first place. The permit for the car park should have been for the front of the block on Church Street.

Every citizen should be concerned when the Council acts in this way to ride roughshod over a landowner's rights.

We need your support.

Please fill in your details below to support us by saying:

"NO, WE DO NOT WISH TRIPODI'S LANE TO BE DEDICATED TO THE PUBLIC"

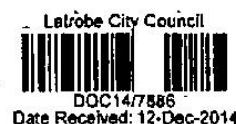
Please feel free to view our "Title"

*Please Note

Be sure to leave a contact phone number and/or address. as Council officers are likely to call you, as they have 'trust' issues with us.

Thank you
Gino Tripodi

Name TRAVIS SELWYN Address [REDACTED] *Celbyiec* Phone [REDACTED]
Signature [Handwritten Signature]



Dear Members of the Public

As you are aware we are in a stoush with Latrobe City Council over the rights to our Laneway, which the Council wants to take away from us, even though we bought and own the Title to the Laneway. The lane doesn't have an official name, but we call it Tripodi's Lane (the Council, without our consent, refers to it as Deakin Lane).

The trouble started in 1993/94, when the Council issued a building permit to a rear neighbour, to build a shop on the land at 3 Church Street. The Council said they could have parking spots at the back. How could anyone get there? At the time, they had big ideas for a public carpark in between Deakin and Church Streets that would link into the back of 3 Church Street. Probably they were going to buy our laneway. But the big carpark never went ahead.

However, there were conditions of that permit which were never complied with by the neighbours and not enforced by the Council officers. There was primarily a Permit Condition which says '*prior to using the premises after completion of building, the owner shall transfer to Council, at his cost, title to the rear portion of 1.73 metres width and 15.2 metres length of the land title of 3 Church Street*'. **THIS NEVER TOOK PLACE** and we were misled by the owner and by the former and current CEOs of the Council who told us that the neighbour had a valid access permit over our laneway. In fact, the Permit never gave any rights to the laneway: it simply assumed that access would become available (e.g. Council would buy up the necessary land).

Since we learned that our neighbour had never had rights over the Laneway, we replaced the boundary fence that had been removed to give them access.

We have at all times acted in accordance with the law to protect our property rights in the Laneway. However, the Council has and is doing all it can to take away those rights and assist our neighbour to gain access rights over our land, which he is not even entitled to under the Council's own permit conditions.

In the process we have been bullied, victimised and defamed for not going along with Council's attempts to overcome its own mistaken assumption and its failure to enforce the conditions of its permit. This includes the present CEO making a miserably small offer to purchase our property for the sole purpose of supporting one person (our neighbour) who flouted and continues to flout the permit conditions.

Having failed in these attempts, the Council is now attempting to confiscate our laneway by wrongly asserting that our laneway has been dedicated to the public. We have never done anything to dedicate our lane as a public road, nor did the previous owners who we bought it from. The lane is not required for public purposes but for the private purposes of a neighbour who never complied with a Council permit.

Every citizen should be concerned if the Council acts in this way to ride roughshod over a landowner's rights.

We need your support.

Please fill in your details below to support us by saying:

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Please feel free to view our "Title"

*Please Note

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Thank you
Gino Tripodi

Name: JOHN FORTUNA

Phone Number/Address: [REDACTED] [REDACTED] 3844

Every citizen should be concerned if the Council acts in this way to ride roughshod over a landowner's rights.

We need your support.

Please fill in your details below to support us by saying:

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Thank you
Gino Tripodi

Name: Peter Shueley

Phone Number/Address: [REDACTED] FLYNN

Every citizen should be concerned if the Council acts in this way to ride roughshod over a landowner's rights.

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Thank you
Gino Tripodi

Name: SUSAN STUCKEY

Phone Number/Address: FLYNN

Every citizen should be concerned if the Council acts in this way to ride roughshod over a landowner's rights.

We need your support.

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Thank you
Gino Tripodi

Name:.....SALLY ANNE STUCKEY

Phone Number/Address:.....FLYNN VIA TRARALGON.



Every citizen should be concerned if the Council acts in this way to ride roughshod over a landowner's rights.

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Thank you
Gino Tripodi

Name: MATT BOSTEN

Phone Number/Address: [REDACTED]

[REDACTED] T49W

Every citizen should be concerned if the Council acts in this way to ride roughshod over a landowner's rights.

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Thank you
Gino Tripodi

Name: Jack P. Tripodi

Phone Number/Address: [REDACTED]
[REDACTED] TRARALGON

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Thank you
Gino Tripodi

Name: Warren McPherson

Phone Number/Address: [REDACTED]

Every citizen should be concerned if the Council acts in this way to ride roughshod over a landowner's rights.

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Thank you
Gino Tripodi

Name: DARREN SCOTT

Phone Number/Address: [REDACTED] Traralgon

Every citizen should be concerned if the Council acts in this way to ride roughshod over a landowner's rights.

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Thank you
Gino Tripodi

Name: BERNARD AXTEW *B. A.*

Phone Number/Address: [REDACTED] [REDACTED]

HOWELL

Every citizen should be concerned if the Council acts in this way to ride roughshod over a landowner's rights.

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Thank you
Gino Tripodi

Name: BARRY FARRUGIA

Phone Number/Address:.....



A handwritten signature in black ink, appearing to be 'Barry Farrugia', written over the redacted area.

Every citizen should be concerned if the Council acts in this way to ride roughshod over a landowner's rights.

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Thank you
Gino Tripodi

Name: BOB - AXTEN

Phone Number/Address:.....
[REDACTED] [REDACTED] HOWELL

Every citizen should be concerned if the Council acts in this way to ride roughshod over a landowner's rights.

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Thank you
Gino Tripodi

Name:.....*Lidia Light*

Phone Number/Address:.....*Lidia Light*


Every citizen should be concerned if the Council acts in this way to ride roughshod over a landowner's rights.

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Thank you
Gino Tripodi

Name: Belinda Brook

Phone Number/Address: 

Every citizen should be concerned if the Council acts in this way to ride roughshod over a landowner's rights.

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Thank you
Gino Tripodi

Name: Ron de Geus

Phone Number/Address: 

Every citizen should be concerned if the Council acts in this way to ride roughshod over a landowner's rights.

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Thank you
Gino Tripodi

Name: *Lauralee Evans*

Phone Number/Address: [REDACTED] / [REDACTED] *Traralgon*

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Thank you
Gino Tripodi

Name: DAVID SEAMAN 

Phone Number/Address:   CHURCH

Every citizen should be concerned if the Council acts in this way to ride roughshod over a landowner's rights.

We need your support.

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Thank you
Gino Tripodi

Name: *Gregory Burns*

Phone Number/Address: [REDACTED] *Traralgon 3844*

Every citizen should be concerned if the Council acts in this way to ride roughshod over a landowner's rights.

We need your support.

Please fill in your details below to support us by saying:

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Thank you
Gino Tripodi

Name: *Kristina Pissurawa* *KP*

Phone Number/Address: 

Queen'sberry

Every citizen should be concerned if the Council acts in this way to ride roughshod over a landowner's rights.

We need your support.

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Thank you
Gino Tripodi

Name: Orlando Pivato

Phone Number/Address: 
Traralgon.

Every citizen should be concerned if the Council acts in this way to ride roughshod over a landowner's rights.

We need your support.

Please fill in your details below to support us by saying:

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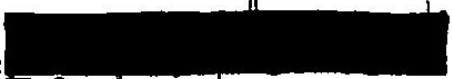
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Thank you
Gino Tripodi

Name: Connie Rivato

Phone Number/Address: 
Traralgon

Every citizen should be concerned if the Council acts in this way to ride roughshod over a landowner's rights.

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Thank you
Gino Tripodi

Name: James Pivato

Phone Number/Address: 
Traralgon

Every citizen should be concerned if the Council acts in this way to ride roughshod over a landowner's rights.

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Thank you
Gino Tripodi

Name: Paul Pivato

Phone Number/Address: c/o [REDACTED] Traralgon

Every citizen should be concerned if the Council acts in this way to ride roughshod over a landowner's rights.

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Thank you
Gino Tripodi

Name: Julie Private

Phone Number/Address: [REDACTED] Traralgon

Every citizen should be concerned if the Council acts in this way to ride roughshod over a landowner's rights.

We need your support.

Please fill in your details below to support us by saying:

"NO, WE DO NOT WISH TRIPODI'S LANE TO BE DEDICATED TO THE PUBLIC"

Please feel free to view our "Title"

*Please Note

Be sure to leave a contact phone number and/or address, as Council officers are likely to call you, as they have 'trust' issues with us and seem to think we make up our community supporters.

Thank you
Gino Tripodi

Name: Ross Jeffs

Phone Number/Address: [REDACTED]

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Thank you
Gino Tripodi

Name: Rose Dickson

Phone Number/Address: [REDACTED] Traralgon
[REDACTED]

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Thank you
Gino Tripodi

Name: Lylie Pardo

Phone Number/Address: [REDACTED]

Traralgon VIC 3844

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Gino Tripodi

Name: *Becky Nowak*

Phone Number/Address: 

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Thank you
Gino Tripodi

Name: David Blackwood

Phone Number/Address:  /  tgon

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Thank you
Gino Tripodi

Name: Hannah Blackwood

Phone Number/Address: [REDACTED] / [REDACTED] Tigon

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Thank you
Gino Tripodi

Name:  Key May

Phone Number/Address:  Traralgon

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Gino Tripodi

Name: BRENDAN CLEGG

Phone Number/Address:..... 

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Gino Tripodi

Name: *Fleur Stevenson*

Phone Number/Address:  *CALLIGANEE*

Every citizen should be concerned if the Council acts in this way to ride roughshod over a landowner's rights.

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Thank you
Gino Tripodi

Name: Brewan Deane

Phone Number/Address: [REDACTED] [REDACTED]
Traralgon VIC.

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Thank you
Gino Tripodi

Name:  DONALD A LANG

Phone Number/Address: 
GLENGARRY 3854


Every citizen should be concerned if the Council acts in this way to ride roughshod over a landowner's rights.

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Name:



Phone Number/Address:



Traralgon

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Gino Tripodi

Name: ROBERT EVANS

Phone Number/Address: [REDACTED] T'GONS - NO PHONE

Every citizen should be concerned if the Council acts in this way to ride roughshod over a landowner's rights.

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Gino Tripodi

Name: *Gino Tripodi*.....

Phone Number/Address: .....

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Thank you
Gino Tripodi

Name: STORYM BALDISSERA

Phone Number/Address: [REDACTED] TRARALGON

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Thank you
Gino Tripodi

Name: Guy McGrath.

Phone Number/Address: [REDACTED] [REDACTED]

SALE.

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Thank you
Gino Tripodi

Name: Dianne Roges

Phone Number/Address: [REDACTED] [REDACTED] Traralgon

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Name: 

Phone Number/Address: 

 GLENGARRY

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Thank you
Gino Tripodi

Name: Laura Sedman

Phone Number/Address: [REDACTED]

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Gino Tripodi

Name: Matthew Series

Phone Number/Address: [REDACTED] / [REDACTED] Moe 3825

[REDACTED] [REDACTED]

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Thank you
Gino Tripodi

Name: JULIE UREN

Phone Number/Address: 

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Thank you,
Gino Tripodi

Name: Elise Davidge



Phone Number/Address:...



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Gino Tripodi

Name: Shirley Wall

Phone Number/Address:  Tongabbie.

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Thank you
Gino Tripodi

Name: *Lyra Kewish* LYRA KEWISH

Phone Number/Address: [REDACTED]

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Gino Tripodi

Name: REBELLA SMITH

Phone Number/Address: [REDACTED] / [REDACTED] NEWBOROUGH

Every citizen should be concerned if the Council acts in this way to ride roughshod over a landowner's rights.

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Thank you
Gino Tripodi

Name: *Jim Wilson*

Phone Number/Address: [REDACTED] *87NEEY Traralgon*

[REDACTED]

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Gino Tripodi

Name: *Gino Tripodi*

Phone Number/Address: [REDACTED]

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Gino Tripodi

Name: Dennis Tamboli

Phone Number/Address: [REDACTED]

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Thank you
Gino Tripodi

Name: *Gino Tripodi*

Phone Number/Address: [REDACTED] *ST*
TRARALGON

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Thank you
Gino Tripodi

Name: KERRY ENGLAND

Phone Number/Address: [REDACTED]
[REDACTED] RES
TRARALGON

Every citizen should be concerned if the Council acts in this way to ride roughshod over a landowner's rights.

We need your support.

Please fill in your details below to support us by saying:

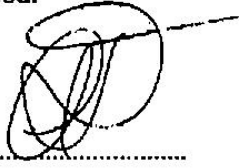
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Phone Number/Address:..... 

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Gino Tripodi

Name..... *Geoffrey Norman*

Phone Number/Address:..... 

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Thank you
Gino Tripodi

Name: Carolyn Kennedy

Phone Number/Address: [REDACTED]
[REDACTED] Street Traralgon

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Thank you
Gino Tripodi

Name: Simone Di Ciena

Phone Number/Address: [REDACTED]

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Thank you
Gino Tripodi

Name: *J Fleming*

Phone Number/Address:  *04 7900*

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Thank you
Gino Tripodi

Name: *Kali Bennett*

Phone Number/Address:  *Coast Tgm.*

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Thank you
Gino Tripodi

Name:.....

GLYNIS WHATELEY *G. Whately*

Phone Number/Address:.....

[REDACTED] / GRAMMAR DRIVE TRARALGON

Every citizen should be concerned if the Council acts in this way to ride roughshod over a landowner's rights.

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Thank you
Gino Tripodi

Name: *Nathan McGinniken*

Phone Number/Address:  *...Crescent*

Every citizen should be concerned if the Council acts in this way to ride roughshod over a landowner's rights.

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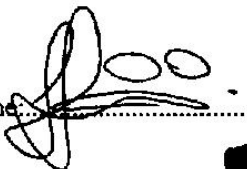
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Name:.....



Phone Number/Address:.....



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Thank you
Gino Tripodi

Name: KEITH CHASE

Phone Number/Address: [REDACTED]
Traralgon.

Every citizen should be concerned if the Council acts in this way to ride roughshod over a landowner's rights.

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Thank you
Gino Tripodi

Name: FILomenA LEA

Phone Number/Address: [REDACTED]

TRARALGON 3844

[REDACTED]

Every citizen should be concerned if the Council acts in this way to ride roughshod over a landowner's rights.

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Gino Tripodi

Name:.....*Nicole Bond*.....

Phone Number/Address:..........

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Gino Tripodi

Name: Nicole Holton

Phone Number/Address: [REDACTED] st Tgon

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Gino Tripodi

Name: LYN ELLEN.

Phone Number/Address: 

HAZELWOOD NORTH.

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Gino Tripodi

Name: Josh Hogan

Phone Number/Address: [REDACTED] Rd
Traralgon.

Every citizen should be concerned if the Council acts in this way to ride roughshod over a landowner's rights.

We need your support.

Please fill in your details below to support us by saying:

"NO, WE DO NOT WISH TRIPODI'S LANE TO BE DEDICATED TO THE PUBLIC"

Please feel free to view our "Title"

*Please Note

Be sure to leave a contact phone number and/or address, as Council officers are likely to call you, as they have 'trust' issues with us and seem to think we make up our community supporters.

Thank you
Gino Tripodi

Name: *Gerard Hogan*

Phone Number/Address: [REDACTED]

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Thank you
Gino Tripodi

Name: Natalie Matthews

Phone Number/Address: [REDACTED]

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Thank you
Gino Tripodi

Name: Zoli Tripodi

Phone Number/Address: [REDACTED]

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Thank you
Gino Tripodi

Name: Margie Tripodi

Phone Number/Address: [REDACTED]

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Thank you
Gino Tripodi

Name: Ellenor Williams

Phone Number/Address: [REDACTED]

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Thank you
Gino Tripodi

Name: Fiona Williamson

Phone Number/Address: [REDACTED]

[REDACTED]

Morwell VIC 3840.

Every citizen should be concerned if the Council acts in this way to ride roughshod over a landowner's rights.

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Thank you
Gino Tripodi

Name: G. BLAKE

Phone Number/Address: [REDACTED]
[REDACTED] Heffell.

Every citizen should be concerned if the Council acts in this way to ride roughshod over a landowner's rights.

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Thank you
Gino Tripodi

Name: Isabella

Phone Number/Address: [REDACTED]

[REDACTED] Close, Traralgon

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Thank you
Gino Tripodi

Name: *Gino Tripodi*

Phone Number/Address: [REDACTED]

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Thank you
Gino Tripodi

Name: Lisa Henry

Phone Number/Address: [REDACTED] Traralgon Stn.

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Thank you
Gino Tripodi

Name: Lanie Korybutak

Phone Number/Address: [REDACTED]
[REDACTED] Laverscent
Traralgon Vic 3844.

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Phone Number/Address: 

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Thank you
Gino Tripodi



Name: Lee Briggs

Phone Number/Address: [REDACTED]

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Thank you
Gino Tripodi

Name: Sue-Elle Wilson

Phone Number/Address: [REDACTED]

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Thank you
Gino Tripodi

Name: Bob Dawson

Phone Number/Address: [REDACTED]

[REDACTED]

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Thank you
Gino Tripodi

Name: Rui Bai

Phone Number/Address: 

Traralgon

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Thank you
Gino Tripodi

Name: GRAEME FISHER

Phone Number/Address: [REDACTED]
[REDACTED] ST TRARALGON.

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Thank you
Gino Tripodi

Name: Gino Ward

Phone Number/Address: [REDACTED] TRARALGON
[REDACTED]

THE PURCHASE OF THIS LANE BY COUNCIL IS
BULLSHIT IT WILL NOT BENEFIT THE PUBLIC IN
ANYWAY.

THE LANE GOES NO WHERE AND WILL ONLY BENEFIT
ONE PERSON

THIS COUNCIL NEEDS TO BE STOOD DOWN
OVER THIS BULLSHIT

Every citizen should be concerned if the Council acts in this way to ride roughshod over a landowner's rights.

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Thank you
Gino Tripodi

Name: Sarah Parker *Handwritten signature*

Phone Number/Address: [REDACTED]

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Thank you
Gino Tripodi

Name: ~~XXXX~~ - Nibbi O'mara.

Phone Number/Address: [REDACTED]

[REDACTED]
Morwell
Vic 3840.

Every citizen should be concerned if the Council acts in this way to ride roughshod over a landowner's rights.

We need your support.

Please fill in your details below to support us by saying:

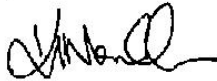
"NO, WE DO NOT WISH TRIPODI'S LANE TO BE DEDICATED TO THE PUBLIC"

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Thank you
Gino Tripodi



Name: Katryna Norder

Phone Number/Address: [REDACTED] Lakes Entrance
[REDACTED]

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Thank you
Gino Tripodi

Name: MELISSA HAZEMAN
M. Hazeman

Phone Number/Address: [REDACTED] Rd.
Traralgon

Every citizen should be concerned if the Council acts in this way to ride roughshod over a landowner's rights.

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Thank you
Gino Tripodi

Name:.....*Ruth Bone,*

Phone Number/Address:..........*Traralgon 3844*

Every citizen should be concerned if the Council acts in this way to ride roughshod over a landowner's rights.

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Thank you
Gino Tripodi

Name: MARY RULE

Phone Number/Address: [REDACTED]

[REDACTED] ST
Traralgon 3844

Every citizen should be concerned if the Council acts in this way to ride roughshod over a landowner's rights.

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Thank you
Gino Tripodi

Name: BILL RULE

Phone Number/Address: [REDACTED]

Traralgon 3844
VIC

Every citizen should be concerned if the Council acts in this way to ride roughshod over a landowner's rights.

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Thank you
Gino Tripodi

Name: *Carolyn Sanderson*

Phone Number/Address: *[REDACTED] Traralgon*

Every citizen should be concerned if the Council acts in this way to ride roughshod over a landowner's rights.

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Thank you
Gino Tripodi

Name: Kelly Phelan

Phone Number/Address: [REDACTED]
TRARALGON
SOUTH

Every citizen should be concerned if the Council acts in this way to ride roughshod over a landowner's rights.

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Thank you
Gino Tripodi

Name: Bec Elms 

Phone Number/Address: 
Traralgon 3844

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Thank you
Gino Tripodi

Name: Lynn McAllister

Phone Number/Address: [REDACTED]

Traralgon St

[REDACTED]

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Gino Tripodi

Name: *Gino Tripodi*

Phone Number/Address: 

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Thank you
Gino Tripodi

Name: JW Fresana

Phone Number/Address: [REDACTED]
[REDACTED]

Traralgon - 3884.

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Gino Tripodi

Name: D. S. ...

Phone Number/Address: [REDACTED]

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Thank you
Gino Tripodi

Name: Catherine Chambers

Phone Number/Address: [REDACTED]

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Thank you
Gino Tripodi

Name: GAVIN

Phone Number/Address: [REDACTED]

TRARALGON . 3844.

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Thank you
Gino Tripodi

Name: W. Leslie

Phone Number/Address: [REDACTED] 81 T'GOAN

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Gino Tripodi

Name: Rika Delaney

Phone Number/Address:..... 

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Gino Tripodi

Name: Nicole Collins

Phone Number/Address: .....

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Thank you
Gino Tripodi

Name: Ross HARRAP

Phone Number/Address: [REDACTED] TRARALGON

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Gino Tripodi

Name: 

Phone Number/Address: 

 ST
TRARALGON 3844

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Thank you
Gino Tripodi

Name: Debra Abbitt

Phone Number/Address: [REDACTED]

[REDACTED] St.

Traralgon 3844

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Gino Tripodi

Name: Kristen Murphy

Phone Number/Address: [REDACTED]

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Gino Tripodi

Name: *Gino Tripodi*.....

Phone Number/Address: .....

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Thank you
Gino Tripodi

Name: *Tanya Roy*

Phone Number/Address:  *Circuit, Traralgon.*

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Thank you
Gino Tripodi

Name: Deb Hornsby *RM*

Phone Number/Address: [REDACTED]
[REDACTED] ST
Toongabbie

Every citizen should be concerned if the Council acts in this way to ride roughshod over a landowner's rights.

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Thank you
Gino Tripodi

Name: Asha Robertson



Phone Number/Address: [REDACTED]

[REDACTED] Court Traralgon

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Gino Tripodi

Name: Michelle Gillett

Phone Number/Address:..... [REDACTED]

[REDACTED] Traralgon. 3844

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Be sure to leave a contact phone number and/or address, as Council officers are likely to call you, as they have 'trust' issues with us and seem to think we make up our community supporters.

Thank you
Gino Tripodi

Name: *Galtmoor*

Phone Number/Address: [REDACTED] *Mowell via 3840.*

Every citizen should be concerned if the Council acts in this way to ride roughshod over a landowner's rights.

We need your support.

Please fill in your details below to support us by saying:

"NO, WE DO NOT WISH TRIPODI'S LANE TO BE DEDICATED TO THE PUBLIC"

Please feel free to view our "Title"

*Please Note

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Thank you
Gino Tripodi

Name: Melissa Gafu

Phone Number/Address: [REDACTED]

Every citizen should be concerned if the Council acts in this way to ride roughshod over a landowner's rights.

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Thank you
Gino Tripodi

Name: Becky Matthews

Phone Number/Address: [REDACTED]

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Thank you
Gino Tripodi

Name: Allison Dean

Phone Number/Address: [REDACTED]

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Thank you
Gino Tripodi

Name: ANNE WHITE

Phone Number/Address: [REDACTED] TRARALGON

[Handwritten signature]

Every citizen should be concerned if the Council acts in this way to ride roughshod over a landowner's rights.

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Thank you
Gino Tripodi

Name: Sandra White

Phone Number/Address: [REDACTED] Traralgon
Swales

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Thank you
Gino Tripodi

Name: Wes Harris

Phone Number/Address:  RA
Mooresdale

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Thank you
Gino Tripodi

Name: Aodie Wilson A. Wilson

Phone Number/Address: [REDACTED]
 [REDACTED] / Close
Traralgon.

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Thank you
Gino Tripodi

Name: DAMIEN FORRESTER

Phone Number/Address: [REDACTED]

Heyfield Vic. 3858

Every citizen should be concerned if the Council acts in this way to ride roughshod over a landowner's rights.

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Thank you
Gino Tripodi

Name:.....*Carmel Forrester*

Phone Number/Address:.....

HEYFIELD VIC 3858.

Every citizen should be concerned if the Council acts in this way to ride roughshod over a landowner's rights.

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Thank you
Gino Tripodi

Name: Michael

Phone Number/Address: [REDACTED]

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Thank you
Gino Tripodi

Name: Gino Tripodi

Phone Number/Address: [REDACTED]

[REDACTED]

Glangary
3854

Every citizen should be concerned if the Council acts in this way to ride roughshod over a landowner's rights.

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Thank you
Gino Tripodi

Name: J. TURNBULL

Phone Number/Address: [REDACTED]

Every citizen should be concerned if the Council acts in this way to ride roughshod over a landowner's rights.

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Thank you
Gino Tripodi

Name: Troy Clarke

Phone Number/Address: 

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Thank you
Gino Tripodi

Name: TURNBULL

Phone Number/Address: [REDACTED]

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Gino Tripodi

Name: P. Clarke

Phone Number/Address: [REDACTED]

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Thank you
Gino Tripodi

Name: Russell Whyght

Phone Number/Address: 

Main Rd Wadhalla Vic 3208

Every citizen should be concerned if the Council acts in this way to ride roughshod over a landowner's rights.

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Thank you
Gino Tripodi

Name: Russell Cook

Phone Number/Address: [REDACTED]
[REDACTED]

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Thank you
Gino Tripodi

Name: *Ron. Pearty*

Phone Number/Address: [REDACTED]
[REDACTED] Grove
Traralgon.

Every citizen should be concerned if the Council acts in this way to ride roughshod over a landowner's rights.

We need your support.

Please fill in your details below to support us by saying:

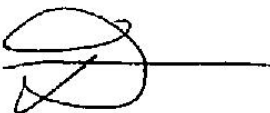
"NO, WE DO NOT WISH TRIPODI'S LANE TO BE DEDICATED TO THE PUBLIC"

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Thank you
Gino Tripodi

Name: Raymond Driscoll 

Phone Number/Address: 

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Gino Tripodi

Name: Kory Goss

Phone Number/Address:.....

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Thank you
Gino Tripodi

Name: *Shirley Thomson*

Phone Number/Address: 

6 Langarry, Vic 3854

Every citizen should be concerned if the Council acts in this way to ride roughshod over a landowner's rights.

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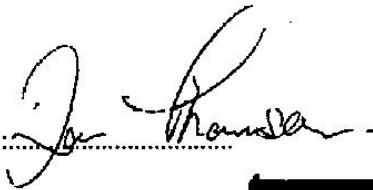
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Gino Tripodi

Name:.....



Phone Number/Address:.....



GLENGARRY 3854

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Thank you
Gino Tripodi

Name: Andrew McConnell *ed. uphall.*

Phone Number/Address: [REDACTED]
TRARALGON [REDACTED]

Every citizen should be concerned if the Council acts in this way to ride roughshod over a landowner's rights.

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Thank you
Gino Tripodi

Name: IAN OWLEY

Phone Number/Address: [REDACTED] GORMANDALE

Every citizen should be concerned if the Council acts in this way to ride roughshod over a landowner's rights.

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Gino Tripodi

Name: Francesca Bellotti

Phone Number/Address: [REDACTED]

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Thank you
Gino Tripodi

Name: *Mangal Steko*

Phone Number/Address: [REDACTED] *Flynn* [REDACTED]

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Thank you
Gino Tripodi



Name: PATRICIA HANNON

Phone Number/Address: [REDACTED]

Every citizen should be concerned if the Council acts in this way to ride roughshod over a landowner's rights.

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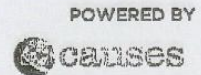
Be sure to leave a contact phone number and/or address, as Council officers are likely to call you, as they have 'trust' issues with us and seem to think we make up our community supporters.

Thank you
Gino Tripodi

Name: *Tarasa Power*

Phone Number/Address: 

CREATED BY: Cosima Bagala
PRINTED ON: December 11, 2014
VIEW ONLINE: <https://www.causes.com/actions/1774999>



PETITION: Sign the Petition to Latrobe City Council

To: Latrobe City Council



Hello friends!

We need your support (and signatures!)
 As you are aware, we are still fighting Latrobe City Council, over our laneway.
 *We have proved that we own, by title.
 *We have proved that our lane is of 'Private, and Sole Proprietorship.
 *We have proved that there is 'influence' within Latrobe City's office, which support our conflicting neighbour
 *We have proved that building conditions were not adhered to, and the undersigned of the permit, has turned a few 'blind' eyes to these conditions.
 * After all of the lies from Latrobe City's former and current CEO's, and planning officers, including telling us there is a 'current' access permit, for which there has never been one, we have been victims of:
 1. Bullying
 2. Victimisation
 3. Defamation

So, a waste of in excess of \$100000.00 to fight me, to support a 'dodgey' planning permit, which shows 'favouritism', for which that money would have been better off spent within the communities, for their benefit, ie, childrens sports and recreation grounds and equipment.
 So... we need you to sign our petition, which will be in our shop,
 " Market Lane Produce"
 at our families, original Deakin St Traralgon, fruitshop, this Thursday or alternatively please sign this online petition.
 We are happy to show you the "Title"
 and tell you how harsh these 'supposed' good doers are attempting to thieve our lane, to give to someone else, at our rate paying cost.
 This could end up in the Supreme Court, which will cost us rate payers, allot, which again, could be used for our community.
 Please show your support, we the Tripodi Family will be very appreciative.
 Thank you - Gino Tripodi

352 SIGNATURES

	NAME	ZIP CODE	COUNTRY	DATE SIGNED
1	Cosima Bagala	3042	Australia	Nov 22, 2014
2	Emily Pugliese	3950	Australia	Nov 22, 2014

	NAME	ZIP CODE	COUNTRY	DATE SIGNED
3	Irene Wentworth	3844	Australia	Nov 22, 2014
4	Kylie Pardo	3844	Australia	Nov 22, 2014
5	Kimberley Davies	3844	Australia	Nov 22, 2014
6	Michelle Sibby	3844	Australia	Nov 22, 2014
7	Vince Raffa	3961	Australia	Nov 22, 2014
8	Mitch Matheson	3844	Australia	Nov 22, 2014
9	Keely McKay	3854	Australia	Nov 22, 2014
10	Matthew Patten	3953	Australia	Nov 22, 2014
11	Jay Farr	3825	Australia	Nov 22, 2014
12	Caitlin Zaal	3844	Australia	Nov 22, 2014
13	Anthony Bagala	3844	Australia	Nov 22, 2014
14	Ben LePage	-3854	Australia	Nov 22, 2014
15	Stephen J Blomans	74210	Thailand	Nov 22, 2014
16	Michelle Poole	3824	Australia	Nov 22, 2014
17	Matt Freeman	3844	Australia	Nov 22, 2014
18	Bianca Embleton	3825	Australia	Nov 22, 2014
19	Chorle Winter	3844	Australia	Nov 22, 2014
20	Lynn Hochstetter	97402	United States	Nov 22, 2014
21	Pauline Azzopardi	3840	Australia	Nov 22, 2014
22	Temple McIntosh	3844	Australia	Nov 22, 2014
23	Lisa Turner Collins	3977	Australia	Nov 22, 2014
24	Talicia Lee	3842	Australia	Nov 22, 2014
25	Jan Powter Hooimeyer	3844	Australia	Nov 22, 2014
26	Andrew Jenkins	3844	Australia	Nov 22, 2014
27	Vicky Atlee	3844	Australia	Nov 22, 2014
28	Carleen Grimsted	3851	Australia	Nov 22, 2014
29	Amy Semmens	3859	Australia	Nov 22, 2014
30	Kellie Holt	3844	Australia	Nov 22, 2014
31	Chad Emery	3850	Australia	Nov 22, 2014
32	Laura Sevanson	3840	Australia	Nov 22, 2014
33	Shantelle Kellett	4110	Australia	Nov 22, 2014
34	Jason Vajter	3840	Australia	Nov 22, 2014
35	Melissa Hazelman	3844	Australia	Nov 22, 2014
36	Brodie Lee	3844	Australia	Nov 22, 2014
37	Gino Tripodi	3844	Australia	Nov 22, 2014
38	Martie Courtney	3844	Australia	Nov 22, 2014
39	Christine Gebhardt	3840	Australia	Nov 22, 2014

	NAME	ZIP CODE	COUNTRY	DATE SIGNED
40	Dale Stevenson	3844	Australia	Nov 22, 2014
41	Lisa Jennings	3842	Australia	Nov 22, 2014
42	Sean Crozier	3915	Australia	Nov 22, 2014
43	Tina Gifford	0810	Australia	Nov 22, 2014
44	Graeme Gillett	3842	Australia	Nov 22, 2014
45	Krystal Thorburn	3840	Australia	Nov 22, 2014
46	Jessica Rutter	3844	Australia	Nov 22, 2014
47	Ellsabeth McConville Planagan	3844	Australia	Nov 22, 2014
48	Fiona Hallam	3844	Australia	Nov 22, 2014
49	Dec Stoel	3844	Australia	Nov 22, 2014
50	Irene Reay	3844	Australia	Nov 22, 2014
51	Amanda Watts-Murphy	3840	Australia	Nov 22, 2014
52	Jason Croll	3844	Australia	Nov 22, 2014
53	Josh Marshall	3844	Australia	Nov 22, 2014
54	Jackie May Smith	2745	Australia	Nov 22, 2014
55	Anna Orman	3860	Australia	Nov 22, 2014
56	Peta Aylward	2770	Australia	Nov 22, 2014
57	Evelyn Mann	3840	Australia	Nov 22, 2014
58	Susie Bridges	3824	Australia	Nov 22, 2014
59	Gwen Cameron	3854	Australia	Nov 22, 2014
60	Grubby Kenworth	3805	Australia	Nov 22, 2014
61	Aj Wearle	3844	Australia	Nov 22, 2014
62	Hayley Casagrande	3844	Australia	Nov 22, 2014
63	Sueann Black	3850	Australia	Nov 22, 2014
64	Norman Goedhart	3844	Australia	Nov 22, 2014
65	Shaun Orchard	3030	Australia	Nov 22, 2014
66	Molynda Conway	3844	Australia	Nov 22, 2014
67	Jenn Jay	3858	Australia	Nov 22, 2014
68	Dave Neilson	3840	Australia	Nov 22, 2014
69	Mel Munnings	3858	Australia	Nov 22, 2014
70	Naomi White	4655	Australia	Nov 22, 2014
71	Georgia Kourlis	3844	Australia	Nov 22, 2014
72	Felicity Mathews	3844	Australia	Nov 22, 2014
73	Rikki-lee Johnstone	3844	Australia	Nov 22, 2014
74	Megan Agostino	3844	Australia	Nov 22, 2014
75	Sharon Missen	3844	Australia	Nov 22, 2014
76	Jarrod Turner	3844	Australia	Nov 22, 2014

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77	Merryn Price	3844	Australia	Nov 22, 2014
78	Paul Breheny	3825	Australia	Nov 22, 2014
79	Andrew Lulk	3844	Australia	Nov 22, 2014
80	Scott Coulthard	3825	Australia	Nov 22, 2014
81	Fiona Gregg	3840	Australia	Nov 22, 2014
82	Patricia McIntosh	3840	Australia	Nov 23, 2014
83	Sally Campbell Stanek	3350	Australia	Nov 23, 2014
84	Helen obrien	3844	Australia	Nov 23, 2014
85	Lauren Gillam	3844	Australia	Nov 23, 2014
86	Vicky Franssen	3810	Australia	Nov 23, 2014
87	John Breheny	3842	Australia	Nov 23, 2014
88	Kelli Scott	2620	Australia	Nov 23, 2014
89	Caryn Rule	3842	Australia	Nov 23, 2014
90	Ian Duncan	3844	Australia	Nov 23, 2014
91	Amanda Sweeney	3858	Australia	Nov 23, 2014
92	Cath O'Kane	3844	Australia	Nov 23, 2014
93	Tony Dark	3844	Australia	Nov 23, 2014
94	Chloe-jade Wilkinson	4868	Australia	Nov 23, 2014
95	Paula Auger	3842	Australia	Nov 23, 2014
96	Bec N Harry	3844	Australia	Nov 23, 2014
97	Hiedi Petticrew	3844	Australia	Nov 23, 2014
98	Dianne Kevan	3840	Australia	Nov 23, 2014
99	Jason Clark	4208	Australia	Nov 23, 2014
100	Malison Febey	3844	Australia	Nov 23, 2014
101	Carol Lelshman	3713	Australia	Nov 23, 2014
102	Margaret Nicholls	AB39 2UJ	United Kingdom	Nov 23, 2014
103	Deb Homsby	3856	Australia	Nov 23, 2014
104	Ingrid Widdowson Jones	3844	Australia	Nov 23, 2014
105	Karen Marshall	3844	Australia	Nov 23, 2014
106	Craig Blythman	3875	Australia	Nov 23, 2014
107	Jodie Louise	3860	Australia	Nov 23, 2014
108	Jackie Thompson	3844	Australia	Nov 23, 2014
109	Bayley Bransgrove	3844	Australia	Nov 23, 2014
110	Laursy JJ	3825	Australia	Nov 23, 2014
111	Chloe Cain	3850	Australia	Nov 23, 2014
112	peter stamer	3206	Australia	Nov 23, 2014
113	Belinda Ross	3875	Australia	Nov 23, 2014

	NAME	ZIP CODE	COUNTRY	DATE SIGNED
114	Karina Mazza	3806	Australia	Nov 23, 2014
115	Mark Mazza	3844	Australia	Nov 23, 2014
116	Tahlia Taifer	4881	Australia	Nov 23, 2014
117	David Aubrey	3840	Australia	Nov 23, 2014
118	Erik Schroder	13082	United States	Nov 23, 2014
119	Nick Wadsworth	33559	United States	Nov 23, 2014
120	Gail Beswick	3842	Australia	Nov 23, 2014
121	Jilly Powers	13037	United States	Nov 23, 2014
122	Daryl N Kathy Rutter	3844	Australia	Nov 23, 2014
123	Lou N Ricky Bruce	3844	Australia	Nov 23, 2014
124	Rochelle Grist	5126	Australia	Nov 23, 2014
125	Maria Munari	3844	Australia	Nov 23, 2014
126	Lisa Phelan	3844	Australia	Nov 23, 2014
127	Stefan Schroder	43229	United States	Nov 23, 2014
128	Rob Mazza	3844	Australia	Nov 23, 2014
129	Carol McCoy	3844	Australia	Nov 23, 2014
130	Stephanie Keon-Scholz	3844	Australia	Nov 23, 2014
131	Sharyle McCormack	3844	Australia	Nov 23, 2014
132	Tania Thain	3840	Australia	Nov 23, 2014
133	Peta Young	3869	Australia	Nov 23, 2014
134	Maria Bruno	3840	Australia	Nov 23, 2014
135	Vicki Robinson	3844	Australia	Nov 23, 2014
136	Gaye Quinn	2280	Australia	Nov 23, 2014
137	Billy Bloggs	7109	Australia	Nov 23, 2014
138	Bronwyn Slater	3842	Australia	Nov 23, 2014
139	Laura Woodgate	3844	Australia	Nov 23, 2014
140	Kelly-Anne Barber	3825	Australia	Nov 23, 2014
141	Deb Magpie	3844	Australia	Nov 23, 2014
142	Catherine Joy Richards	3842	Australia	Nov 23, 2014
143	Vinco Hiriaki	3840	Australia	Nov 23, 2014
144	Lana Faye Turner	3844	Australia	Nov 23, 2014
145	Michael Foss	3192	Australia	Nov 23, 2014
146	Neil Starkey	3844	Australia	Nov 23, 2014
147	Darlene Doust	3844	Australia	Nov 23, 2014
148	Margrita Peruzzi	3820	Australia	Nov 23, 2014
149	April Sissons	4879	Australia	Nov 23, 2014
150	Peter Julie Adrichem	3844	Australia	Nov 23, 2014

	NAME	ZIP CODE	COUNTRY	DATE SIGNED
151	Duffy Bugg	Traralgon 3844	Australia	Nov 23, 2014
152	Mary Clark	3840	Australia	Nov 23, 2014
153	Mick Wilson	3840	Australia	Nov 23, 2014
154	Wes Crow	3844	Australia	Nov 23, 2014
155	Lisa Storey	3030	Australia	Nov 23, 2014
156	Les Howlett	4211	Australia	Nov 23, 2014
157	Gabby Majstorovic	3840	Australia	Nov 23, 2014
158	Shana Plumridge	3825	Australia	Nov 23, 2014
159	Lyn Missen-Killoan	3844	Australia	Nov 23, 2014
160	Karen Luxford	3844	Australia	Nov 23, 2014
161	Rachael Lyons	3844	Australia	Nov 23, 2014
162	Stacey Missen	3840	Australia	Nov 23, 2014
163	Effie Jeffries	3844	Australia	Nov 23, 2014
164	Shelley Bernoth	3028	Australia	Nov 23, 2014
165	Julie Ledbury	3977	Australia	Nov 23, 2014
166	Sherral Monell	3844	Australia	Nov 23, 2014
167	Nicci Bosgard-Bowler	3806	Australia	Nov 23, 2014
168	Liz Abbay	3175	Australia	Nov 23, 2014
169	Michelle Brettell	3825	Australia	Nov 23, 2014
170	sharlene golding	3844	Australia	Nov 23, 2014
171	Vince Brancatisano	3199	Australia	Nov 23, 2014
172	Paul Corser	3844	Australia	Nov 23, 2014
173	Maree Missen Walker	3844	Australia	Nov 23, 2014
174	Peter Corser	3824	Australia	Nov 23, 2014
175	Leeanne Mullens	3844	Australia	Nov 24, 2014
176	Rebecca Tormey	3810	Australia	Nov 24, 2014
177	Wayne Wai	3809	Australia	Nov 24, 2014
178	Maria Pirotta	3156	Australia	Nov 24, 2014
179	Bruno Blisgnano	3844	Australia	Nov 24, 2014
180	Kathy Haseidino	3858	Australia	Nov 24, 2014
181	Janis Kaestner	3844	Australia	Nov 24, 2014
182	Leanne Horn	3844	Australia	Nov 24, 2014
183	Kezz Lambert	3380	Australia	Nov 24, 2014
184	Clarke Mayza	3844	Australia	Nov 24, 2014
185	Julie Bond	3840	Australia	Nov 24, 2014
186	Kathy Lees	3842	Australia	Nov 24, 2014
187	Donna Johnson	3977	Australia	Nov 24, 2014

	NAME	ZIP CODE	COUNTRY	DATE SIGNED
188	David Hollis	3840	Australia	Nov 24, 2014
189	Peter Dunlop	3192	Australia	Nov 24, 2014
190	Paul McDonald	3812	Australia	Nov 24, 2014
191	Danny Shaw	3855	Australia	Nov 24, 2014
192	Frank Agnelli	4818	Australia	Nov 24, 2014
193	Jodie Pivato	3844	Australia	Nov 24, 2014
194	Nick Carstairs	4508	Australia	Nov 24, 2014
195	Miko Harris	3844	Australia	Nov 24, 2014
196	Melanie Goddard	3844	Australia	Nov 24, 2014
197	Kelly Bormann	3844	Australia	Nov 24, 2014
198	Christina Baker	3338	Australia	Nov 24, 2014
199	Kerry Grattan	3847	Australia	Nov 24, 2014
200	Leighroy Carstairs	4615	Australia	Nov 24, 2014
201	Sandra Fleming	3280	Australia	Nov 24, 2014
202	Jenny Symons	3898	Australia	Nov 24, 2014
203	Graeme Fisher	3844	Australia	Nov 24, 2014
204	Tania Crosier	3847	Australia	Nov 24, 2014
205	Gregg Savage	3825	Australia	Nov 24, 2014
206	Liz Tripodi	3038	Australia	Nov 24, 2014
207	Bernard Axten	3840	Australia	Nov 24, 2014
208	John Rushby-Moulton	3214	Australia	Nov 24, 2014
209	Malty Rogers	3844	Australia	Nov 24, 2014
210	Tammey Mckillop	3810	Australia	Nov 24, 2014
211	Tanya Tripodi	3844	Australia	Nov 24, 2014
212	Carolyn Brent	3844	Australia	Nov 24, 2014
213	Kelly Turra	3844	Australia	Nov 24, 2014
214	Diza Findley	3850	Australia	Nov 24, 2014
215	Merilyn Raft	3844	Australia	Nov 24, 2014
216	Mel FergieandSon	3869	Australia	Nov 24, 2014
217	Ann Cogan	3844	Australia	Nov 24, 2014
218	Sandy Lee	3550	Australia	Nov 24, 2014
219	Tracey Watson Smith	3844	Australia	Nov 24, 2014
220	Ken Smith	4855	Australia	Nov 24, 2014
221	Effi Hondrokostas	3810	Australia	Nov 24, 2014
222	Naomi Mason-Pell	3781	Australia	Nov 24, 2014
223	Bindi Cole	3810	Australia	Nov 24, 2014
224	Bec Taylor	3844	Australia	Nov 24, 2014

	NAME	ZIP CODE	COUNTRY	DATE SIGNED
225	Simone Moore	3147	Australia	Nov 24, 2014
226	Justin Smith	2549	Australia	Nov 24, 2014
227	Jodie Lee Haefele	3840	Australia	Nov 24, 2014
228	Leah Savage	3825	Australia	Nov 24, 2014
229	Stacey Skrypczak	3844	Australia	Nov 24, 2014
230	Tanya N Garry Preusker	3844	Australia	Nov 24, 2014
231	Nathan Brand	3820	Australia	Nov 24, 2014
232	Crystal Porter	3842	Australia	Nov 24, 2014
233	Megan Fatchen	3844	Australia	Nov 24, 2014
234	Krista Pattinson	3844	Australia	Nov 24, 2014
235	Madison Briggs	3844	Australia	Nov 24, 2014
236	Uwe Skrypczak	3844	Australia	Nov 24, 2014
237	Cheryl Stublely Radford	3840	Australia	Nov 24, 2014
238	Nicole Davidson	3844	Australia	Nov 24, 2014
239	Nik Alice LeSage	3844	Australia	Nov 24, 2014
240	Togan Bell	3844	Australia	Nov 24, 2014
241	Marcello Bestia Feroca Garpinteri	3824	Australia	Nov 24, 2014
242	Leanne Effenberg	3840	Australia	Nov 24, 2014
243	Melissa Dooley	3888	Australia	Nov 24, 2014
244	Belinda Morrison	3854	Australia	Nov 24, 2014
245	Christina Ormond		Australia	Nov 24, 2014
246	Niccolo Deaves	3840	Australia	Nov 24, 2014
247	Tony O'Brien	3756	Australia	Nov 24, 2014
248	Donna Burns	3873	Australia	Nov 24, 2014
249	Dianne Maxfield	3844	Australia	Nov 24, 2014
250	Virginia Homer	4556	Australia	Nov 24, 2014
251	Vanessa Churchill	3797	Australia	Nov 24, 2014
252	Annder Davenport	3844	Australia	Nov 24, 2014
253	Hollie Toomer	3844	Australia	Nov 24, 2014
254	Darren Smethurst	3128	Australia	Nov 24, 2014
255	Kata Lyons	3844	Australia	Nov 24, 2014
256	Frank Thom	4740	Australia	Nov 24, 2014
257	Marilyn Krueger	6027	Australia	Nov 24, 2014
258	Hugo Ip	3844	Australia	Nov 24, 2014
259	Mary Agnelli	5720	Australia	Nov 24, 2014
260	Wayne Williamson	3136	Australia	Nov 24, 2014
261	Ron Camilleri	3029	Australia	Nov 25, 2014

	NAME	FID CODE	COUNTRY	DATE SIGNED
262	Dave Prior	2450	Australia	Nov 25, 2014
263	Kelley Harshegyi	3844	Australia	Nov 25, 2014
264	Peter Middleton	3844	Australia	Nov 25, 2014
265	Chantel McFail	3199	Australia	Nov 25, 2014
266	Rick Hodgskiss	3844	Australia	Nov 25, 2014
267	Jan Massaro-Chandler	3844	Australia	Nov 25, 2014
268	Tania Morrison	3844	Australia	Nov 25, 2014
269	Diane May	3840	Australia	Nov 25, 2014
270	Karen Mustoe	3844	Australia	Nov 25, 2014
271	Ben Steers	3844	Australia	Nov 25, 2014
272	Eraldo Agnelli	3939	Australia	Nov 25, 2014
273	Rachelle Shelly Adam	3847	Australia	Nov 25, 2014
274	Steve Carney	3844	Australia	Nov 25, 2014
275	Glenda Matthews	3844	Australia	Nov 25, 2014
276	Roz Robertson	4508	Australia	Nov 25, 2014
277	Janice Lamb	Bh228xg	United Kingdom	Nov 25, 2014
278	Ronald Lowe	3840	Australia	Nov 25, 2014
279	Bobbie Symons	3844	Australia	Nov 25, 2014
280	Mei Neilson	3840	Australia	Nov 25, 2014
281	Marie D'alle	3840	Australia	Nov 25, 2014
282	Duane Lipman	3856	Australia	Nov 25, 2014
283	Breeda Higgins	3840	Australia	Nov 25, 2014
284	Joyce Pacunskis	3844	Australia	Nov 25, 2014
285	Molly Patton	3950	Australia	Nov 25, 2014
286	Deanna Ingravalle	3844	Australia	Nov 25, 2014
287	Donna Brown	3844	Australia	Nov 25, 2014
288	Meg Stef Dundek	3844	Australia	Nov 25, 2014
289	Stephen Fleming	4055	Australia	Nov 25, 2014
290	Angela McCann	3847	Australia	Nov 25, 2014
291	Debra Rogers	3824	Australia	Nov 25, 2014
292	Michelle Shaw Pacunskis	3844	Australia	Nov 25, 2014
293	Natalie Markins	3840	Australia	Nov 25, 2014
294	Liz Davies	2217	Australia	Nov 25, 2014
295	Kylie Mudita	3844	Australia	Nov 25, 2014
296	Sue Walker	3844	Australia	Nov 25, 2014
297	Wendy Thompson	3818	Australia	Nov 25, 2014
298	Jacqui Hau	3216	Australia	Nov 25, 2014

	NAME	ZIP CODE	COUNTRY	DATE SIGNED
299	Melissa Spehr	3844	Australia	Nov 25, 2014
300	Robert Sturdy	4159	Australia	Nov 25, 2014
301	Terri Howe	3076	Australia	Nov 25, 2014
302	Jase Mackay		Australia	Nov 25, 2014
303	Rach Harrison	3844	Australia	Nov 25, 2014
304	Rachel Matheson	3850	Australia	Nov 25, 2014
305	Kym Smith	3904	Australia	Nov 25, 2014
306	Cheryl Stevens	2448	Australia	Nov 25, 2014
307	Sheriden Chambers	3844	Australia	Nov 25, 2014
308	Susan McShane	3844	Australia	Nov 26, 2014
309	Teri Shaw	3844	Australia	Nov 26, 2014
310	Renee Thurston	7004	Australia	Nov 26, 2014
311	Peter Williams	3854	Australia	Nov 26, 2014
312	Kris Kolesnikowicz	4213	Australia	Nov 26, 2014
313	Jennie Wenham	4127	Australia	Nov 26, 2014
314	Mary Morgan	3844	Australia	Nov 26, 2014
315	Terry Harrison	3858	Australia	Nov 26, 2014
316	Christine Jones	2630	Australia	Nov 26, 2014
317	Kate Bennett	4226	Australia	Nov 26, 2014
318	Jenny Malone	3844	Australia	Nov 26, 2014
319	Justin Harrison	3844	Australia	Nov 27, 2014
320	Nikki Edwards	2551	Australia	Nov 27, 2014
321	Annie Gleeson	3875	Australia	Nov 27, 2014
322	Chris Dunkinson	3810	Australia	Nov 27, 2014
323	Wayne Cooper	3840	Australia	Nov 27, 2014
324	Leisa Highman	3806	Australia	Nov 27, 2014
325	Wez Farrow	Bh154ld	United Kingdom	Nov 27, 2014
326	Joseph Hupp	2830	Australia	Nov 27, 2014
327	Tia Vorsteeg	96749	United States	Nov 27, 2014
328	Mark Wendi Campbell	3824	Australia	Nov 27, 2014
329	Fatty Swain	2830	Australia	Nov 27, 2014
330	Narelle Grant	2830	Australia	Nov 27, 2014
331	Peter Burke	3465	Australia	Nov 27, 2014
332	Michael Leaney	3825	Australia	Nov 27, 2014
333	James A. Houston	32052	United States	Nov 27, 2014
334	John Williams	3977	Australia	Nov 27, 2014
335	Romolo Spina	3171	Australia	Nov 27, 2014

	NAME	ZIP CODE	COUNTRY	DATE SIGNED
336	Carol O'Dowd	3216	Australia	Nov 27, 2014
337	Fiona West	3165	Australia	Nov 27, 2014
338	Jo Locke	3834	Australia	Nov 28, 2014
339	Jimmy Pivato	3844	Australia	Nov 28, 2014
340	Jo Mintern	3825	Australia	Nov 29, 2014
341	Tiarna Angus	3844	Australia	Nov 30, 2014
342	Denise Pedley	3844	Australia	Nov 30, 2014
343	Jasmine Kara	3844	Australia	Nov 30, 2014
344	Cathy Mason	3844	Australia	Nov 30, 2014
345	Tania Pedley	3844	Australia	Nov 30, 2014
346	Gwenda Eleftheriou	3844	Australia	Nov 30, 2014
347	Karen Zaffina	3844	Australia	Dec 01, 2014
348	Christine Brown	3825	Australia	Dec 01, 2014
349	Kirsteen Robertson	3844	Australia	Dec 01, 2014
350	Gary Tasker	3699	Australia	Dec 02, 2014
351	John Williams	4660	Australia	Dec 03, 2014
352	Leonie Musgrove	2830	Australia	Dec 04, 2014

**SPECIAL COUNCIL MEETING MINUTES
18 DECEMBER 2014 (SM455)**

Moved: Cr Rossiter
Seconded: Cr Gibson

That the Recommendation be adopted.

CARRIED UNANIMOUSLY

There being no further business the meeting was declared closed at 7.03 pm

I certify that these minutes have been confirmed.

Mayor: _____

Date: _____