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# MINUTES OF THE HEARING OF SUBMISSIONS COMMITTEE MEETING

Held on Monday 29 March 2021

Released to the public on Thursday 1 April 2021

**LIVE STREAMING OF THE HEARING OF COMMITTEE MEETING WAS MADE  
AVAILABLE ON COUNCIL'S INTERNET SITE.**

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**MINUTES OF THE MEETING OF THE HEARING OF SUBMISSIONS  
COMMITTEE OF THE DAREBIN CITY COUNCIL HELD AT PRESTON  
TOWN HALL,  
284 GOWER STREET PRESTON ON MONDAY 29 MARCH 2021**

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THE MEETING OPENED AT 4.01PM

**1. PRESENT**

***Councillors***

Cr. Lina Messina (Mayor) (Chairperson)  
Cr. Gaetano Greco (Deputy Mayor)  
Cr. Tom Hannan ( Arrived 4.09 pm )  
Cr. Tim Laurence  
Cr. Susanne Newton  
Cr. Susan Rennie  
Cr. Julie Williams

***Council Officers***

Jodie Watson - General Manager Governance & Engagement  
Matthew Gould – Senior Property Services Officer  
Stephen Mahon - Coordinator Council Business  
Georgina Steele - Council Business Officer

**2. APOLOGIES**

Apologies were received from Cr. Dimitriadis and Cr. McCarthy

**3. DISCLOSURES OF CONFLICTS OF INTEREST**

Nil

**4. CONFIRMATION OF THE PREVIOUS HEARING OF  
SUBMISSIONS COMMITTEE MEETING**

Nil

## 5. CONSIDERATION OF REPORTS

### 5.1 PROPOSED DISCONTINUANCE OF THE RIGHT OF WAY/ROAD ADJOINING THE REAR OF 1 TO 11 MERRILANDS ROAD, 4 TO 10 HUGHES PARADE AND 12 ASQUITH STREET, RESERVOIR

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#### EXECUTIVE SUMMARY

The purpose of this report is to seek the Hearing of Submissions Committee's consideration of the submissions made on the proposed discontinuance and sale of the right of way/road adjoining the rear of 1 to 11 Merrilands Road, 4 to 10 Hughes Parade and 12 Asquith Street, Reservoir.

At its meeting on 17 August 2020, Council resolved to commence statutory procedures under section 206 and clause 3 of Schedule 10 of the *Local Government Act 1989* regarding the proposed discontinuance and sale of the right of way/road adjoining the rear of 1 to 11 Merrilands Road, 4 to 10 Hughes Parade and 12 Asquith Street, Reservoir.

Public notice was given of Council's intention to discontinue and sell the subject road in the Herald Sun newspaper and on Council's website on 31 August 2020, in addition all adjoining owners and occupiers were consulted in writing. The public notice period ended on 30 September 2020. Council received 4 written submissions in regard to the proposal with 2 requesting to be heard by Council in support of their submission.

It is noted that the role of the Hearing of Submissions Committee is only to 'hear' and receive submissions. There are no options for consideration, or analysis of submissions included in this report.

Following the Hearing of Submissions Committee meeting, a further report in relation to the matter will be provided to Council at a later date seeking a final resolution on the matter.

The following persons addressed the Committee in support of their submissions

Mr Tsang Mang Kin  
Mr Anthony Cappola

<b>Recommendation</b>
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**That Council:**

- (1) Receives the written and verbal submissions.
- (2) Thanks all submitters and presenters for addressing the Committee in support of their written responses.
- (3) Receives a report to 26 April 2021 Council Meeting as part of Council's deliberations in considering the proposed discontinuance and sale of the right of way/road adjoining the rear of 1 to 11 Merrilands Road, 4 to 10 Hughes Parade and 12 Asquith Street, Reservoir.

<b>Committee Decision</b>
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**MOVED:** Cr. S Rennie

**SECONDED:** Cr. G Greco

**That Council:**

- (1) Receives the written and verbal submissions.
- (2) Thanks all submitters and presenters for addressing the Committee in support of their written responses.
- (3) Receives a report to 26 April 2021 Council Meeting as part of Council's deliberations in considering the proposed discontinuance and sale of the right of way/road adjoining the rear of 1 to 11 Merrilands Road, 4 to 10 Hughes Parade and 12 Asquith Street, Reservoir.

**CARRIED UNANIMOUSLY**

**5.2 PROPOSED ROAD DECLARATION REAR 137-143 STATION STREET, 100-104 ARTHUR STREET AND ADJOINING 2 DUNCAN STREET, FAIRFIELD**

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**EXECUTIVE SUMMARY**

The purposed of this report is to seek the Hearing of Submissions Committee's consideration of the submissions made on the proposed declaration of the road right-of-way/road located at the rear of 137-143 Station Street, 100-104 Arthur Street and adjoining 2 Duncan Street, Fairfield, under section 204(2) of the *Local Government Act 1989* (the Act) as being a road that is "*reasonably required for public use and to be open to public traffic*".

At its meeting on 19 October 2020, Council resolved to commence statutory procedures under sections 204(2), 207A(c) and 223 of the *Local Government Act 1989* regarding the proposed declaration of the road right-of-way/road located at the rear of 137-143 Station Street, 100-104 Arthur Street and adjoining 2 Duncan Street, Fairfield.

Public notice was given of Council's intention to declare the subject right of way/road as being a road that is "*reasonably required for public use and to be open to public traffic*" in the Herald Sun newspaper and on Councils website on 28 October 2020, in addition all adjoining owners and occupiers were consulted in writing. The public notice period ended on 27 November 2020. Council received 2 written submissions in regard to the proposal with both parties requesting to be heard by Council in support of their submission.

It is noted that the role of the Hearing of Submissions Committee is only to 'hear' and receive submissions. There are no options for consideration, or analysis of submissions included in this report.

Following the Hearing of Submissions Committee meeting, a further report in relation to the matter will provided to Council at a later date seeking a final resolution on the matter.

The following persons addressed the Committee in support of their submissions

Ms Jane Sharp ( Representative of owners of 143 Station Street, Fairfield )  
Mr George Ryan ( Representative of owners of 104 Arthur Street, Fairfield )

**Recommendation**

**That Council:**

- (1) Receives the written and verbal submissions.
- (2) Thanks all submitters and presenters for addressing the Committee in support of their written responses.
- (3) Receives a report to the 26 April 2021, Council Meeting as part of Council's deliberations in considering the proposed declaration of the road right-of-way/road located at the rear of 137-143 Station Street, 100-104 Arthur Street and adjoining 2 Duncan Street, Fairfield, under section 204(2) of the *Local Government Act 1989* as being a road that is "*reasonably required for public use and to be open to public traffic*".

**Committee Decision**

**MOVED: Cr. S Rennie**  
**SECONDED: Cr. T Laurence**

**That Council:**

- (1) Receives the written and verbal submissions.
- (2) Thanks all submitters and presenters for addressing the Committee in support of their written responses.
- (3) Receives a report to the 26 April 2021, Council Meeting as part of Council's deliberations in considering the proposed declaration of the road right-of-way/road located at the rear of 137-143 Station Street, 100-104 Arthur Street and adjoining 2 Duncan Street, Fairfield, under section 204(2) of the *Local Government Act 1989* as being a road that is "*reasonably required for public use and to be open to public traffic*".

**CARRIED UNANIMOUSLY**

**6. CLOSE OF MEETING**

The meeting closed at 4.33pm.