



**MINUTES OF THE
HEARING OF SUBMISSIONS
COMMITTEE MEETING**

MONDAY 10 FEBRUARY 2014

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**MINUTES OF THE MEETING OF THE HEARING OF SUBMISSIONS
COMMITTEE OF THE DAREBIN CITY COUNCIL
HELD AT DAREBIN CIVIC CENTRE,
350 HIGH ST, PRESTON ON MONDAY 10 FEBRUARY 2014**

THE MEETING OPENED AT 7.28 PM

1. PRESENT

Councillors

Cr Gaetano Greco (Mayor) (Chairperson)
Cr Vince Fontana
Cr Tim Laurence
Cr Bo Li
Cr Trent McCarthy
Cr Steven Tsitas
Cr Angela Vilella
Cr Oliver Walsh
Cr Julie Williams (Deputy Mayor)

Municipal Monitor

Peter Lewinsky

Council Officers

Rasiah Dev – Chief Executive
Paul Crapper – Director Corporate and Planning Services
Daniel Freer – Director Culture, Leisure and Works
Katrina Knox – Director Community Development
Steve Hamilton – Director Assets and Business Services
Ron Downes – Acting Manager Corporate Governance and Performance
Greg Gale – Acting Manager Major Projects, Engineering and Transportation
Arthur Pitsas – Coordinator Project Management
Katia Croce – Coordinator Council Business

2. APOLOGIES

Nil

3. DISCLOSURES OF CONFLICTS OF INTEREST

Cr. Williams declared an 'interest' in item 5.1

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

COMMITTEE DECISION

MOVED: Cr. V. Fontana
SECONDED: Cr. S. Tsitas

THAT the Minutes of the Hearing of Submissions Committee meeting held on 8 July 2013 be confirmed as a correct record of business transacted.

CARRIED

5. CONSIDERATION OF REPORTS

Cr. Williams declared an 'interest' in the following item on the basis that one of her children attends the same school as one of the presenting submitter's grandchildren.

5.1 PROPOSED CLOSURE OF LANEWAY BETWEEN 23 EDWARDES STREET RESERVOIR AND THE CAR PARK BEHIND THE RESERVOIR CIVIC CENTRE

MANAGER: Acting Manager Major Projects, Engineering and Transport

DIRECTOR: Director Assets and Business Services

SUMMARY:

This report relates to the hearing of submissions received in relation to the proposed closure of the laneway between 23 Edwardes Street Reservoir and the car park behind the Reservoir Civic Centre to prevent vehicle access.

CONSULTATION:

Macquarie Lawyers & Strategists
Statutory Authorities and Council Departments
Owners of adjoining commercial properties
Traders of adjoining commercial properties

RECOMMENDATION

THAT a further report be made to Council appraising the written submissions received and verbal presentations heard by the Committee in respect of the proposed closure of the laneway between 23 Edwardes Street Reservoir and the car park behind the Reservoir Civic Centre to prevent vehicle access.

REPORT

INTRODUCTION AND BACKGROUND

The proposed closure of the laneway between 23 Edwardes Street Reservoir and the car park behind the Reservoir Civic Centre is part of the larger Reservoir Community and Learning Centre Redevelopment.

A plan is attached depicting the proposed closure – see **Appendix A**.

The proposed laneway closure is a critical aspect of the redevelopment, designed to activate the laneway precinct by redevelopment through:

- New and enhanced pavement area
- New landscaping features, plants, trees, seating
- Encouraging pedestrian flow between the new building, laneway and the adjoining traders.

The laneway closure is viewed as an integral part of the overall redevelopment, integrating the traders, pedestrian traffic and the new building.

Council at its meeting on 6 November 2013 resolved to give public notice of the proposal to close the laneway between 23 Edwardes Street Reservoir and the car park behind the Reservoir Civic Centre to prevent vehicle access.

Public notice of the proposed closure of the laneway was given in the Preston Leader on 3 December 2013 and the Northcote Leader on 4 December 2013 inviting written submissions by 6 January 2014. Following these advertisements, it was determined that an extension of time be granted for the lodging of submissions because of the festive holiday season.

Subsequently, there were additional advertisements placed in the Preston Leader on 10 December 2013 and the Northcote Leader on 11 December 2013, advising of the extension of time for written submissions until 20 January 2014.

The public notices were also published on Council's website.

Owners and occupiers of adjoining properties were also notified in writing advising that written submissions received up until 20 January 2014 will be considered by Council in accordance with Section 223 of *the Local Government Act 1989* ('The Act').

ISSUES AND DISCUSSION

Submissions

The following parties have requested to be heard in support of their written submissions and have been advised of the time, date and place of this meeting of Council's Hearing of Submissions Committee.

1. Frank and Maria Luzza
2. Phyllis and Michelle Vespucci
3. John Iakovidis, Love Iakovidis, Steven Iakovidis, Veronica Khan and J & L Iakovidis Pty Ltd
4. Larry DeCata

The following parties have not requested to be heard in support of their written submissions:

5. Red & Danny Malaspina
6. Giovanni Gallinaro
7. Paul and Lilly Mance
8. Dr Helen Cristernino
9. Frank and Sara Marafioti

The submissions relate to the loss of access to properties and inconvenience which would arise from the proposed closure.

Copies of all (9) written submissions received are circulated separately for Councillors information.

Consideration of Submissions

In accordance with section 223 of the Act, Council is required to take into consideration all submissions received in relation to the proposal and after it has made its decision, to notify all persons who made a submission of the decision and the reasons for the decision.

FUTURE ACTIONS

An appraisal of the written submissions received and verbal presentations heard will be included in a subsequent report to Council.

Persons who made a submission will be notified in writing of Council's decision and the reasons for it.

DISCLOSURE OF INTERESTS

Section 80C of the *Local Government Act* 1989 requires members of Council staff and persons engaged under contract to provide advice to Council to disclose any direct or indirect interest in a matter to which the advice relates.

The Officer reviewing this report, having made enquiries with relevant members of staff, reports that no disclosable interests have been raised in relation to this report.

RELATED DOCUMENTS

Nil

PRESENTATIONS

At the invitation of the Chairperson, Cr. Greco, the following persons spoke in support of their written submissions.

(1) Pasquale Luzza

Mr Luzza spoke to the written submission dated 16 January 2014 from Frank and Maria Luzza.

Points made during his presentation included:

- *The laneway has been in use for the last 50/60 years.*
- *The laneway provides access to rear car parking spaces as well as truck pick up and deliveries*
- *Flooding issues will arise if the new pavement proposal etc proceeds due to height levels involved.*
- *The Road Management Act 2004 provides entitlement rights to use the laneway.*
- *The need to close the laneway has not been demonstrated.*

(2) Phyllis Vespucci

Ms Vespucci spoke to the written submission dated 16 January 2014 from Phyllis and Michele Vespucci.

Points made during her presentation included:

- *As proposed plans to close and pave the laneway will prevent access, if the proposal eventuates, 2 parking permits at the very least should be provided.*
- *As proposed paving extends right up to the wall of the abutting shops, owners consent will be needed which may prove problematic.*

(3) Veronica Khan

Ms Khan spoke to the written submission dated 20 January 2014 from John Iakovidis, Love Iakovidis, Steven Iakovidis, Vernonica Khan (nee Iakovidis) and J. & L. Iakovidis Pty Ltd.

Points made during her presentation included:

- *Purchase of their properties back in the 1970s was reliant on the fact that the laneway was a 'road' on the title.*
- *Property values will decrease dramatically should the proposal proceed – compensation will be sought.*
- *A possible compromise to keep the laneway open but install bollards for pedestrians to use needed to be looked at.*
- *Cannot see any community benefit with the proposal.*
- *A chaotic situation will arise if the laneway is closed and access is from the other side of the car park.*
- *Future development plans involving their properties will be dramatically impacted.*

(4) Larry DeCata

Mr DeCata spoke to his written submission dated 19 January 2014.

Points made during his presentation included:

- *Closure of the laneway will dramatically increase the use of already congested Edwardes Street etc.*
- *No justification for the proposal in terms of public benefit has been demonstrated.*

At the conclusion of their presentations, the Chairperson, Cr. Greco, thanked the presenters for addressing the Committee in support of their written submissions.

Cr. Greco also repeated his earlier apology given when the meeting commenced for the delayed start to the meeting due to the preceding Planning Committee meeting taking longer than expected to conclude business.

COMMITTEE DECISION

MOVED: Cr. S. Tsitas
SECONDED: Cr. A. Villella

THAT a further report be made to Council appraising the written submissions received and verbal presentations heard by the Committee in respect of the proposed closure of the laneway between 23 Edwardes Street Reservoir and the car park behind the Reservoir Civic Centre to prevent vehicle access.

CARRIED

6. CLOSE OF MEETING

The meeting closed at 7.58pm