

1.8 PROPOSED ROAD DISCONTINUANCE AND SALE – PART OF RAILWAY PARADE NORTH, GLEN WAVERLEY

Responsible Director: Peter Panagakos

RECOMMENDATION

That Council:

1. *Notes that the Suburban Rail Loop Authority (SRLA) have requested Council to consider removing the road status from the 671m2 parcel of Railway Parade North, Glen Waverley as shown hatched in Attachment 2 to this report, being part of the Road on LP 13583 contained in certificate of title volume 6527 folio 374 (Road) and selling the land from the Road to the SRLA.*
2. *Notes that an existing public footpath exists on this portion of Railway Parade North that is of interest to the SRLA and that the SRLA have confirmed that as part of the development of the new multi-level car park, the SRLA will construct a new public footpath on that part of the developments site as shown coloured purple on the plan in Attachment 1 to this Report. The land containing this footpath will be owned and managed by Council.*
3. *Given items 1 to 2 above, resolves to commence the statutory procedures pursuant to Clause 3 of Schedule 10 of the Local Government Act 1989 ('the Act') to consider discontinuing the Road and vesting the land from the Road in Council ('the Proposal') and saving any easement rights in favour of statutory authorities that may have assets located in the Road.*
4. *Pursuant to Sections 207A and 223 of the Act, directs that public notice of the Proposal be given in locally circulating newspaper and on Council's website.*
5. *Authorises Council's Chief Executive Officer or her delegate to undertake the administrative procedures necessary to enable Council to carry out its functions under section 223 of the Act in relation to the Proposal ('Appointed Officer').*
6. *Appoints a Committee of Council, comprising of the Mayor and Glen Waverley Ward Councillors, to consider any submissions to the Proposal received under section 223 of the Act at 6:30pm on 14th March 2023 at the Monash Civic Centre, 293 Springvale Road, Glen Waverley, or at such a later time and date as the Chief Executive Officer may determine.*
7. *Council will consider the Committee of Councils report on its proceedings and a summary of any hearing and determine whether to proceed with the Proposal at its Ordinary Meeting on March 28, 2023, or such a later time and date as the Chief Executive Officer may determine.*
8. *Notes that the completion of the Proposal is also subject to Council and the SRLA reaching agreement on the terms of the contract of the sale for the land.*

INTRODUCTION

The purpose of this report is to consider a request from the Suburban Rail Loop Authority (**SRLA**) for Council to discontinue and sell to the SRLA a 671m² portion of Railway Parade North, Glen Waverley. The SRLA propose to include this portion of existing the road in the development site for a multi-deck car park as part of the Glen Waverley Station Precinct Suburban Rail Loop project.

This report recommends that Council:

- commence the statutory procedures in accordance with the Local Government Act 1989 (**Act**) to remove the road status from that part of Railway Parade North and vest the land with Council as shown in Attachment 2.
- agree to the location for the replacement public footpath; and
- upon the completion of the removal of the road status enter discussions with the SRLA for the terms of sale of the land to issue from the removal of the road status.

DISCUSSION

As part of the development of the Glen Waverley Suburban Rail Loop Station a considerable amount of existing public car parking will be removed from the Glen Waverley Activity Centre. In particular, car parking in the Glendale East and West car park precinct will be lost as part of the SRL project.

Council has consistently advocated for the need to replace this car parking prior to the commencement of construction of the Glen Waverley SRL Station.

In response, the SRLA have identified the existing VicTrack and Council car park at 9-11 Euneva Avenue as the potential location for a multi-deck car park in the Glen Waverley Activity Centre.

Given the constrained shape of the VicTrack land, the SRLA have proposed to include a 671m² portion of Railway Parade North into the development site in order to create a more regularly shaped area capable of being developed for a multi deck car park.

The Road

The section of Railway Parade North required by the SRLA is identified on Attachment 1 as "Proposed New Area 'A' with an area of 671m² (Road).

The Road is a 'road' for the purposes of the LGA on the basis that it is known to title as a right of way (section 3(1) of the LGA) and, accordingly, Council has statutory power to consider discontinuing the Road.

This part of the Road is currently used for as a footpath and car parking for commuters (approximately 22 car spaces).

The status of 'Road' can only be extinguished if the Road is formally discontinued under clause 3 of Schedule 10 to the LGA or section 14 of the *Road Management Act 2004* (Vic).

Once the Road has been discontinued and vested in Council, Council can then proceed to transfer the land comprising the discontinued Road (**Land**) to the SRLA.

However, the transfer of the Land is subject to Council and the SRLA reaching agreement on the terms of the contract of the sale for the Land, including the construction of a replacement footpath and the transfer of the land that contains the footpath back to Council after construction.

The Road Discontinuance Process

The process for the road discontinuance is as follows:

1. Council to agree to commence the statutory procedures for a part road discontinuance pursuant to s.207D and clause 3, schedule 10 of the LGA including public notification and a Committee of Council in accordance with s.223 of the LGA (**Proposal**).
2. Council to receive a report from the Committee of Council on the outcome of the public notification process and any submissions regarding the Proposal and determine whether or not to proceed with the Proposal.
3. Subject to point 2 above, the Land to issue from the Road is vested in Council.
4. Council reach agreement on the terms of sale of the Land with SRLA.
5. Subject to satisfaction of point 4 above, the Land is transferred to SRLA at market value and subject to SRLA creating a footpath as Road Reserve on a Plan of Subdivision to vest with Council.
6. A Plan of Subdivision is then submitted to and approved by Council setting out the replacement footpath alignment.

Once the plan of subdivision is registered at the Land Use Victoria, the footpath will be vested as a new area of 'road' in Council's ownership, reconnecting the footpath along Railway Parade North.

CONSULTATION

Internal

The Proposal has been discussed between officers in Council's Property, Engineering and Assets Departments. No concerns were raised with the Proposal provided a footpath is reinstated and transferred to Council.

Community Consultation

In accordance with s.223 of the LGA, a public notice of the Proposal will be published in a daily newspaper and on Council's website.

The public notice will invite submissions on the proposal in accordance with S. 223 of the LGA and submitters may request to be heard by a Committee of Council prior to a decision being made on the Proposal.

A Committee of Council comprising of the Mayor and Glen Waverley Ward Councillors will meet on 14th March at 6:30pm to consider any submissions received and hear any submitter who requested to be heard in support of their submission.

The Committee of Council will then present a report to Council for consideration and determination of the Proposal following the public consultation period whether or not submissions are received.

POLICY IMPLICATIONS

The SRL Project and the social, economic and environmental benefits that will come from the anticipated level of investment is consistent with Council and State Government Policies.

Council Strategies and Policies

Monash Council Plan (2017-2021)

The following are relevant strategic objectives and strategies from the Council Plan:

Inviting open and urban spaces

- Ensuring the walkability of our city
- Enhancing our activity centres with an increased focus on the moveability and prioritisation of pedestrians

Responsive and efficient services

- Enhancing community consultation and involvement in our decision-making

SOCIAL IMPLICATIONS

There are no social implications associated with the Proposal.

HUMAN RIGHTS CONSIDERATIONS/GENDER EQUITY IMPLICATIONS

There are no human rights considerations or gender equity implications associated with the Proposal.

FINANCIAL IMPLICATIONS

SRLA will reimburse Council's reasonable costs in this matter which will be referenced in the agreement with SRLA.

The Land will be sold at market value.

CONCLUSION

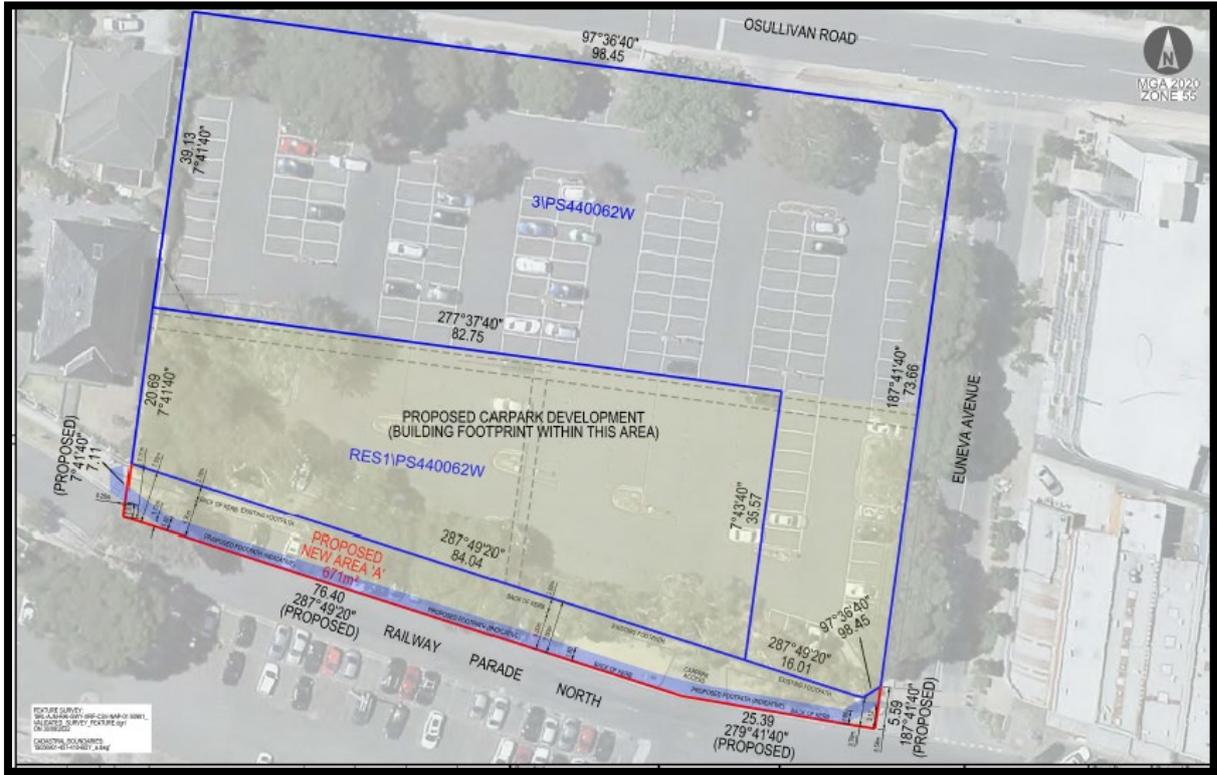
The Proposal provides many benefits to the future operations of the Glen Waverley Railway Station and surrounding Activity Centre. A new multi-level car park will assist in addressing parking issues in the Activity Centre and improve traffic movement within surrounding residential streets.

Overall, there will be no loss to pedestrian movement along Railway Parade North once the replacement footpath is constructed by the SRLA.

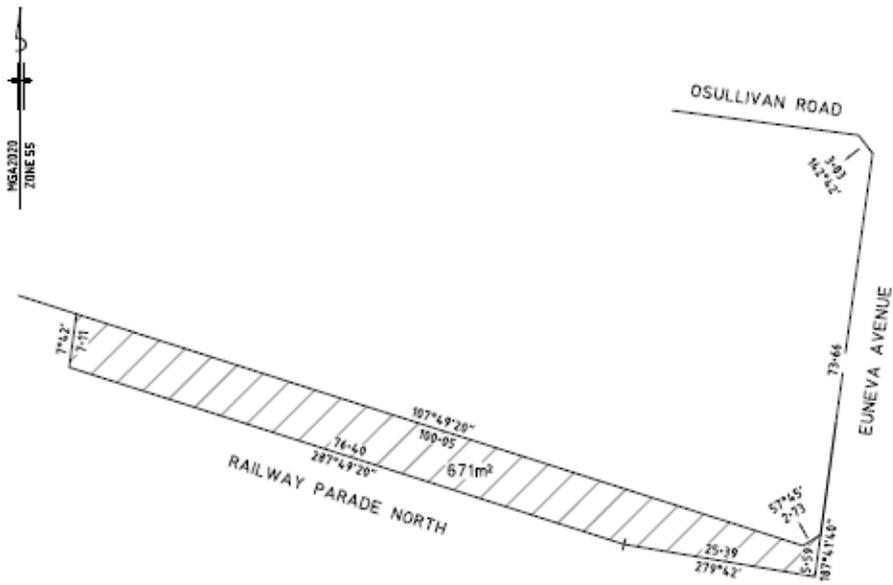
It is recommended that Council proceed with the statutory process for the Proposal.

ATTACHMENT 1

Proposed Development Site for a new Multi-Level Car Park by SRLA



ATTACHMENT 2



PLAN FOR ROAD DISCONTINUANCE