1.7 SUBURBAN RAIL LOOP

Responsible Director: Peter Panagakos

RECOMMENDATION

That Council:

- 1. Notes the content of the letter to Council from the Suburban Rail Loop Authority (SRLA) dated March 2021, regarding the Suburban Rail Loop Stage One, Cheltenham to Box Hill project, provided in Attachment 1 to this report (the Letter) which advises:
 - a. that planning and design work undertaken by SRLA identifies that the following Council owned properties are likely to be required for stage one of the Suburban Rail Loop:
 - 1. 264-268 Clayton Road, Clayton (part)
 - 2. 31-39 Montclair Avenue, Glen Waverley
 - 3. 41-47 Montclair Avenue, Glen Waverley
 - 4. 155 Coleman Parade, Glen Waverley
 - 5. 5 Myrtle Street, Glen Waverley
 - 6. 1/29 & 2/29 Montclair Avenue, Glen Waverley

(the Properties);

- b. that the letter is not a formal notice of acquisition of the Properties. The potential formal acquisition process will not begin until the planning and environmental assessment process is completed, and the statutory approvals have been obtained which is currently anticipated to be 2022; and
- c. that the above properties will not need to be vacated until at least late 2022.
- 2. Notes that the intentions of the SRLA have a significant impact on Council's plans and commitment to provide for additional and replacement car spaces within the Glen Waverley Activity Centre and that Council:
 - a. Resolves it is no longer feasible to continue with the detailed design of the proposed carpark at 31 -39 Montclair Avenue, Glen Waverley.
 - b. Resolves to terminate Contract 2019147 Principal Consultancy Services

 Detailed design for a mixed-use multi-level car park, 31-39 Montclair
 Avenue, Glen Waverley (Contract 2019147) and directs that officers
 write to Warren & Mahoney Architects to inform them of this decision.
 - c. Notes that officers have commenced preliminary work to identify alternative site(s) for the provision of replacement and additional car spaces.
 - d. Directs officers to write to the SRLA and advise that:

- I. Given the possible acquisition of Council land where a carpark was to be constructed, Council considers that there is a joint responsibility (between Council and the SRLA) to find alternative locations for the replacement and additional car spaces that were planned to be provided at 31-39 Montclair Avenue, Glen Waverley. This is consistent with SRLA previous undertakings.
- II. That the Council properties numbered 2 and 3 referred to in item 1(a) above, which will ultimately be acquired by the SRLA, be available for continued use as car parking for as long as possible prior to the commencement of the Suburban Rail Loop works.
- III. With regard to Council's properties at 1 & 2/29 Montclair Avenue, Glen Waverley, that the SRLA as the acquiring authority deal directly with the Uniting Church of Australia and Director of Housing on all matters relating to the impact upon them as tenants resulting from the acquisition. The letter should clarify that this position is taken given the State Governments involvement in the use and development of these properties, and further clarify that this request does not fetter Council's rights and entitlements as the owner of the land as part of any compulsory acquisition process.
- IV. Council expects full compensation for all works already undertaken and disrupted as a result of SRLA activities.
- V. Council expects timely, transparent communication from SRLA in relation to its planning for delivery of the Suburban Rail Loop within the City of Monash.
- 3. Direct officers to continue to investigate alternative site options as referred to in item 2(c) above, (both with and exclusive of the SRLA) including options at Council's existing multi-deck car park at 1-5 Bogong Avenue, Glen Waverley, and report back to Council on any outcomes including outcome of discussions with the SRLA.
- 4. Directs officers to meet with South East Volunteers Incorporated (SEV) located at 5 Myrtle Street, Glen Waverley to discuss the implications of the Letter to them and ascertain what their thoughts and intentions may be as a result.
- 5. Directs officers to undertake the Actions outlined in the table in the body of this report as it relates to each property that the SRLA has advised that they may acquire as part of the project.
- 6. That officers write to key stakeholders within the Activity Centre advising of points 1, 2 and 3 of this recommendation and prepare a media release regarding the same.
- 7. Notes that officers will provide further reports to future Council meetings on the SRL project and the various matters the subject of this resolution at the appropriate time.

INTRODUCTION

The purpose of this report is to provide Council with an update on the Suburban Rail Loop project (SRL) focusing on a recent letter received from the Suburban Rail Loop Authority (SRLA) regarding the SRL Stage One — Cheltenham to Box Hill (refer Attachment 1) (the Letter).

The Letter states that the planning and design work undertaken by SRLA identifies that a number of Council owned properties are likely to be required for stage one of the Suburban Rail Loop. This has the effect of putting Council on notice of the SRLA's likely commencement of a process to acquire six Council owned properties (noting that 1 & 2/29 Montclair Avenue are on one title) once the SRLA's planning and environmental assessment process is completed – expected to be in 2022.

Given this timeframe for the formal acquisition of the Council owned properties, this report discusses a range of matters to be implemented and explored with further updates to be provided to future Council meetings. It is hoped that the properties, particularly the carparks will remain available for use until such time as the construction of the SRL project commences.

BACKGROUND

Previous reports to Council have discussed various matters relating to the project including the announcement of the proposed station locations, Council's obligation and intentions regarding replacement and additional car parking, and the status of the contract for the design work.

The latest report to Council was on 30 March 2021 when Council resolved:

That Council:

- 1. Notes that at the Ordinary Council Meeting on 25 August 2020 Council resolved to suspend Project 2019147 Principal Consultancy Services Detailed design for a mixed-use multi-level car park, 31-39 Montclair Avenue, Glen Waverley (the Contract) for a further six month term.
- 2. Notes that following the resolution of Council at the 25 August 2020 meeting, a letter of suspension of the Contract was sent to the Consultant Warren & Mahoney Architects Pty Ltd suspending the Contract for a further six-month term.
- 3. Notes that Council officers continue discussions with the Suburban Rail Loop Authority (SRLA) regarding the location for the Suburban Rail Loop (SRL) station in the Glen Waverley Activity Centre (GWAC) including identifying potential issues and opportunities that arise consequently.
- 4. Agrees, given recommendation 3 above, and with no detailed announcements having been made, that the contract 2019147 Principal Consultancy Services Detailed design for a mixed-use multi-level car park, 31-39 Montclair Avenue,

Glen Waverley (the Contract) be suspended for a further six month period until 30 September 2021.

- 5. Writes to the consultant Warren & Mahoney Architects Pty Ltd to extend the suspension of the contract to October 2021.
- 6. Writes to key stakeholders providing a further update on the Contract and prepares a media release regarding the same.
- 7. Receives a further report at its September 2021 scheduled meeting (or earlier in light of any progress) regarding the status of discussions with the SRLA and the impact to contract.
- 8. Notes that officers have had a discussion with the new CEO of the SRLA, Frankie Carroll, and that the Glen Waverley Activity Centre Advisory Committee also met with him on 23 March 2021 to discuss matters associated with the SRLA in the Glen Waverley Activity Centre.

DISCUSSION

The Letter (Attachment 1)

The Letter identifies that the following six Council owned properties (noting that 1 & 2/29 Montclair Avenue are on one title) are likely to be to be required for stage one of the SRL. This would mean that should the project proceed as intended, the properties would be acquired.

Five of the properties are located in Glen Waverley and the other land to be acquired is part of the garden area in front of the Clayton Town hall. The addresses of the properties are:

- 1. 264-268 Clayton Road, Clayton
- 2. 31-39 Montclair Avenue, Glen Waverley
- 3. 41-47 Montclair Avenue, Glen Waverley
- 4. 155 Coleman Parade, Glen Waverley
- 5. 5 Myrtle Street, Glen Waverley
- 6. 1/29 & 2/29 Montclair Avenue, Glen Waverley

(the Properties)

The location of the Properties are in Attachment 2.

A summary of the current use of the Properties and actions required by Council is in the Table below.

Site	Current Use
1.	Part of 264-268 Clayton Road, Clayton – Front part of Clayton Town Hall

Officers understand that the part of this site of interest to the SRL is part of the front garden area and the former memorial garden.

Action:

Continue to work with SRLA on area of the site and minimise impact of the Clayton Town Hall and report back to Council at a later date as additional information is known.

2. **31-39 Montclair Avenue, Glen Waverley**

This site is an at-grade car park for 199 car parking spaces. The car parking spaces were constructed by Council and funded from contributions collected via previous trader contribution schemes.

Council has previously resolved for this site to be the location of the new mixed-used multi-deck car park. That project is suspended until September 2021 (refer resolutions 4 and 5 of the report to Council on 30 March 2021).

The existing car parking spaces (including those on Glendale Street) will need to be relocated as part of any acquisition process.

Action:

End Contract 2019147. Continue to work with SRLA and report back to Council at a later date.

Seek to retain the land for use as a carpark for as long as possible following any acquisition until the start of the actual project.

3. 41-47 Montclair Avenue, Glen Waverley

This site is an at-grade car park for 98 car parking spaces. The car parking spaces were constructed by Council and funded from previous trader contribution schemes.

Council has resolved to sell this site with the sale proceeds to be used to part fund the proposed mixed used multi-deck car park to be located on 31-39 Montclair Avenue, Glen Waverley.

The existing car parking spaces will need to be relocated as part of any acquisition process.

Action:

Continue to work with SRLA and report back to Council at a later date.

Seek to retain the land for use as a carpark for as long as possible following any acquisition until the start of the actual project.

4. <u>155 Coleman Parade, Glen Waverley</u>

This site has been vacant since 2020 with the Wavecare Counselling Service relocated to Level one Euneva Avenue Car Park.

Council had previously resolved to sell the property with the sale proceeds to be redistributed to the cost of redeveloping the Euneva Car Park building level one.

Action:

Continue to work with SRLA and report back to Council at a later date.

5. **5 Myrtle Street, Glen Waverley**

This site is currently occupied by South East Volunteers Incorporated (SEV) under a licence from Council.

SEV's licence expired in 2010, however the organisation has remained on site pursuant to over holding provisions of its licence. The licence does not contain a relocation clause.

Actions:

Council officers will meet with SEV to discuss the implications of the Letter to them and ascertain what their thoughts and intentions may be as a result.

6. & 1/29 and 2/29 Montclair Avenue, Glen Waverley

7.

This site is subject to a ground lease between Council and The Uniting Church in Australia Property Trust (Victoria)/Director of Housing. At the time, the Lessee funded the construction of the two properties. The ground lease has a term of 50 years which commenced on the 6 May 2002 (29 years remaining).

The lease does not offer the landlord an ability to relocate or terminate early. The tenant has received a letter from SRLA regarding their interest in the sites.

Actions:

- Council write to SRLA requesting them as the acquiring authority deal directly
 with The Uniting Church in Australia Property Trust (Victoria) and the Director
 of Housing on all matters regarding the impact upon them as tenants resulting
 from the possible acquisition. The letter should clarify that this position is
 taken given the Government's involvement in the use and development of this
 property, and further clarify that this request does not fetter Council's rights
 and entitlements as the owner of the land under any acquisition process.
- Continue to work with SRL and report back to Council at a later date.

Necessarily, there are significant impacts to the GWAC with the inclusion of the above Properties in the SRL stage one works. Council officers will continue to work the SRLA on this issue and keep the community informed as announcements are made. At the same time, it is recommended that actions to address the following matters commence:

1. Contract 2019147

The loss of Council's ability to redevelop site 2 – 31-39 Montclair Avenue, Glen Waverley means Council should end Contract 2019147 and turn its attention to alternative site(s) for the additional and replacement car parking in the GWAC (discussed in item 2 below).

The SRLA have indicated that they may require this site in 2024. Given that this timeline does not allow for a significant amount of time to plan for and construct the replacement and additional car parking, this matter has been raised and discussed with the SRLA as well as the lack of suitable and readily available sites for Council to replace the car parking in the Glen Waverley Activity Centre.

It is recommended that Council write to the SRLA and affirms its position that given the circumstances that Council finds itself in due to the SRL project, Council considers that the provision of the additional and replacement car parking in the Glen Waverley Activity Centre is a shared responsibility between the SRLA and Council.

2. Alternative sites for car parking

The site at 31-39 Montclair Avenue, Glen Waverley was the ideal site for Council to provide for its replacement and additional car parking resulting primarily from its proximity to the centre of the traditional core of Kingsway. With the notification received from the SRLA this site is no longer an option for the proposed mixed-use multilevel car park.

Council should, however, seek to retain any land that is acquired as a carpark for as long as possible prior to the actual commencement of the SRL works. Council will continue to work with the SRLA and it is considered that there is a joint responsibility (between Council and the SRLA) to find alternative locations for the replacement and additional car spaces that were planned to be provided at 31-39 Montclair Avenue Glen Waverley. It is hoped that there are suitable locations within the land acquisition that SRLA will make to accommodate at least some of the cars that are required to be provided.

The reality is that Council now finds itself in a position where it needs to find and alternative site(s) for the provision of these car spaces, with no other easily identifiable and deliverable singular location available.

Whilst on face value the Central Carpark site at 281 Springvale Road, Glen Waverley could provide such an opportunity. However, its critical value as a key redevelopment site that would connect the north and south sections of Kingsway and essentially complete the missing tooth in the streetscape is considered to be significant and essential and could not simply be used as a location for carparking. Additionally, it is not possible to plan for the provision of any additional carparking on the site, even if it were desirable, without comprehensive development planning of the site so as to ensure that the site is developed appropriately and to its full potential particularly as it is an identified key redevelopment site in the Glen Waverley Major Activity Centre Structure Plan.

There is now some urgency for Council given that the development on the Montclair site is unlikely to be realised. Council needs to identify the opportunity(s) for the additional and replacement carparking on other site(s) within a significantly shortened timeframe to deliver these car spaces before any additional spaces are lost as a result of any SRLA acquisition.

The report recommends that officers move to identify other location(s) where these car spaces could be delivered and report back to Council as soon as possible so that the necessary planning can commence. In anticipation of this outcome, officers have commenced preliminary works to identify suitable alternatives that deliver the outcome that is sought. These require some additional investigation, including the need for further discussions with SRLA before an option(s) can be presented to Council for consideration. Officers continue to urge SRLA to work with Council in resolving this as well as in providing timely responses to Councils proposals.

Whilst Council does have other landholdings to the north of the rail line to further investigate, these may not be ideally located for the provision of these car spaces. In the circumstances, and with limited land holdings in the appropriate locations, officers have included the existing multi-level car park at 1-5 Bogong Avenue, Glen Waverley in their assessment for the provision of these replacement and additional car spaces. Whilst works to realise this outcome could be significant, it is an option that must be explored and considered.

It is anticipated that a further report will come to the August Council meeting to consider any option(s) and for Council to resolve and redirect its attentions to an alternative location(s). It is hoped that any opportunities that may arise through discussions with the SRLA on land holdings that they may acquire may be known at this time.

3. South East Volunteers Inc (5 Myrtle Street, Glen Waverley)

At the Ordinary Council meeting on 28 July 2020, Council considered a report on a Proposal to lease 5 Myrtle Street, Glen Waverley to the South East Volunteers. Council resolved as follows:

"That Council:

- 1. Negotiates a lease with South East Volunteers Incorporated (SEV) for the building located at the 5 Myrtle Street Glen Waverley incorporating the following terms and conditions:
 - a. Premises 5 Myrtle Street, Glen Waverley
 - b. Lessee: South East Volunteers Incorporated
 - c. Term: 5 years
 - d. Rent: \$1.00 per annum (plus GST)
 - e. Use: For activities associated with linking Community service organisations with

prospective volunteers including provision of training and social support.

("the Proposal")

- 2. Give public notice of the proposal in accordance with Section 190 of the Act, in a daily newspaper and on Council's website from 6 August 2020 and invite submissions on the proposal.
- 3. 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 respect of the proposal ('Appointed Officer').
- 4. Appoint a Committee of Council comprising the Glen Waverley Ward Councillors and the Mayor to hear any submitters requesting to be heard and consider any submissions received under Section 223 of the Act on a date and time to be fixed.
- 5. Consider and determine the outcome of the section 223 process on the proposal at the Ordinary Meeting of Council on a date and time to be fixed."

Resolution 2 was acted upon with the publication of a public notice in accordance with Section 190 of the Act to which there were no submissions. However, given the SRLA interest in this land amongst other sites, it is prudent to pause the process and meet with SEV to discuss the implications of the Letter to them and ascertain what their thoughts and intentions may be as a result. Following the meeting, officers will provide a further report and recommendations to a future Council meeting.

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.

Consistency with Council Strategies and Policies

Monash 2021: A Thriving Community (2010)

This long term strategy states (as relevant) that our community values convenience (we are in walking distance to all we need); a balance between residential, commercial and industrial development; good connections to bus and train services, and easy access by train/freeway; we have a friendly, community based atmosphere in shopping strips; and a safe place to live and bring up a family.

Monash Council Plan (2017-2021)

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

A liveable sustainable city

- Strengthening our strategic policy and local planning framework
- Advocacy for enhancement of the National Employment Cluster
- Increasing our community engagement and education about town planning

Inviting open and urban spaces

- Ensuring the walkability of our city
- Improving our green open spaces and linking up our bicycle trails
- Enhancing our activity centres with an increased focus on the moveability and prioritisation of pedestrians

An inclusive community

Delivering integrated planning and community strengthening

Responsive and efficient services

Enhancing community consultation and involvement in our decision-making

The Council Plan identified the following relevant priority projects:

• Improve our activity centres and pedestrian movements therein.

Other relevant Strategies

- Glen Waverley Activity Centre Structure Plan
- Monash Integrated Transport Strategy
- Monash Economic Development Strategy

Monash Planning Scheme

Clauses from the Monash Planning Scheme that are relevant to Clayton include:

- Clause 11.06 Metropolitan Melbourne
- Clause 17 Economic Development
- Clause 21.05 (MSS) Economic Development
- Clause 21.06 (MSS) Activity Centres
- Clause 22.03 Industry and Business Development and Character Policy

State Government Policy Context

<u>Plan Melbourne</u>

There are numerous references and policy directions throughout Plan Melbourne that highlight the importance of the MNEIC, specifically.

"Direction 1.1 Create a city structure that strengthens Melbourne's competitiveness for jobs and investment"

"Policy 1.1.4 Support the significant employment and servicing role of Health and Education Precincts across Melbourne"

"Policy 1.17 Plan for adequate commercial land across Melbourne"

"Direction 2.2 Deliver more housing closer to jobs and public transport"

"Direction 2.4 Facilitate decision-making processes for housing in the right locations"

"Direction 3.1 Transform Melbourne's transport system to support a productive city"

"Policy 3.1.2 Provide high quality public transport access to job rich areas"

The three projects are a result of the Glen Waverley Activity Centre Structure Plan and / or are consistent with themes of the Monash Council Plan (2017-2021) as follows:

FINANCIAL IMPLICATIONS

There are funds available in the current budget to for the investigative works for an alternative site(s). A further report will be provided to Council on the outcome of the investigative work which will also discuss further budget requirements.

CONCLUSION

Whilst negotiations between Council and the SRLA continue regarding the acquisition process, the Letter has resulted in Council being unable to progress planning for the delivery of the replacement and additional car spaces at 31-39 Montclair Avenue, Glen Waverley. Council now needs to turn its attentions to completing further preliminary investigations on the alternative site(s) to meet its car parking obligations. This includes continuing to engage with the SRLA to identify any suitable location(s) on land that they are likely to acquire. Council has a clear expectation that SRLA will be actively engaged in resolving the car park displacement.

Given the potential timeframe for acquisition of the Council-owned properties being 2022, it is imperative that Council complete its investigations and reach a decision on development options so that planning and development can progress.

ATTACHMENT 1 LETTER TO COUNCIL FROM SUBURBAN RAIL LOOP AUTHORITY DATED MARCH 2021



Suburban Rail Loop Authority Level 36, 80 Collins Street Melboume VIC 3000 PO Box 4509 Melboume VIC 3001 T 1800 105 105 suburbanrailloop.vic.gov.au

Dr Andi Diamond
Chief Executive Officer
Monash City Council
PO Box 1
GLEN WAVERLEY VIC 3150

March 2021

Dear Dr Diamond,

IMPORTANT INFORMATION ABOUT SUBURBAN RAIL LOOP STAGE ONE: CHELTENHAM TO BOX HILL

I am writing to update you on Stage One of the Suburban Rail Loop project, and in particular to provide you with further details about the proposed station locations for Stage One and an important update about the anticipated impact on City of Monash.

Suburban Rail Loop will transform Victoria's public transport system, connecting our suburbs and making travel easier and more convenient. It will connect every major train line from the Frankston line to the Werribee line, improving access to housing, jobs, schools, universities, and hospitals in Melbourne's middle suburbs.

Stage One will be built as a 26-kilometre twin-tunnel, standalone line that will fully integrate into our existing public transport network with new underground stations at Cheltenham, Clayton, Monash, Glen Waverley, Burwood and Box Hill.

As you will be aware, in November 2020 we wrote to landowners and tenants with properties in areas of interest of the proposed stations. We have been working to finalise key elements of the proposed underground stations, including station footprints and entrances, as quickly as possible to provide a greater level of certainty to stakeholders and the community.

As a result of further planning, technical and design work, including engineering and geotechnical investigations, and stakeholder consultation, we are now in a position to provide you with further information.

The planning and design work undertaken to date identifies that the following properties are likely to be required for Stage One of Suburban Rail Loop:

- 264-268 Clayton Road, Clayton (part)
- 31-39 Montclair Avenue, Glen Waverley
- 41-47 Montclair Avenue, Glen Waverley
- 155 Coleman Parade, Glen Waverley
- . 5 Myrtle Street, Glen Waverley
- 1/29 Montclair Avenue, Glen Waverley
- 2/29 Montclair Avenue, Glen Waverley.







Please note that this letter is <u>not a formal notice of property acquisition</u>. The formal acquisition process will not begin until the planning and environmental assessment process is completed, and statutory approvals have been obtained, currently anticipated to be in 2022. While different properties will be required at various stages of the project, we expect that the first compulsorily acquired properties required for Stage One will not need to be vacated until at least late 2022.

A similar letter has been sent to the occupants to inform them directly.

Should your property be required for the project, the Land Acquisition and Compensation Act 1986 (Vic) provides a process for the acquisition of your property and ensures you will be fairly compensated.

To help explain what this process involves and help you understand your rights, enclosed with this letter is a brochure outlining the key elements and steps involved.

We will continue to engage directly with landowners and tenants affected by land acquisition, including support from a Case Manager, when the formal acquisition process begins.

Planning and environmental assessment process

Like other major infrastructure projects, Suburban Rail Loop requires extensive statutory approvals.

Rail infrastructure for Stage One of Suburban Rail Loop will be assessed through an Environment Effects Statement (EES), Victoria's most robust planning and environmental assessment process. The EES will assess the environmental impacts or effects associated with the project as part of a comprehensive and transparent process.

A factsheet outlining this process is included with this letter.

There will be an opportunity for you to participate in the formal EES process during its public exhibition phase, expected in late 2021.

Next steps

It is important to note that the project design and the construction methodology for Stage One is not yet finalised, and changes may be made as a result of feedback received during the planning and environmental assessment process. We will keep you informed if this affects the anticipated impact to City of Monash.

We will continue to work directly with your team as part of our ongoing and regular engagement forums, including throughout the land acquisition process.

Thank you again for the ongoing collaboration and assistance to date. We look forward to continuing the collaborative relationship with Council as the project progresses.







Yours sincerely,

tacco.

Frankie Carroll Chief Executive Officer Suburban Rail Loop Authority

/ /

Enclosed:

- Project overview factsheet
- Land acquisition and compensation brochure
- Planning and environmental assessment process factsheet.

Note: If you no longer have any interest in this property or know of others who should be made aware of the information in this letter, such as a managing agent, please contact us on 1800 105 105 or contact@srla.vic.gov.au so that we may update our records.



ATTACHMENT 2 LIST OF COUNCIL OWNED PROPERTIES TO BE AQUIRED BY SUBURBAN RAIL LOOP AUTHORITY

1. CLAYTON ACTIVITY CENTRE – SITE 1
Part of 264-268 Clayton Road, Clayton



GLEN WAVERLEY ACTIVITY CENTRE – SITES 2 – 6

