

1.8 MIXED USE MULTI-LEVEL CAR PARK, MONTCLAIR AVENUE, GLEN WAVERLEY

Responsible Director: Peter Panagakos

RECOMMENDATION

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 as a consequence.*
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.*

INTRODUCTION

The purpose of this report is to update Council that discussions with the SRLA regarding the potential station locations continue. As no detailed announcements have been made regarding the station location, the report recommends that Council again suspend the Contract for 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 period until 30 September 2021.

BACKGROUND

Since the announcement of the SRLA project and possible station location in Glen Waverley, Council has been engaged in discussions with the SRLA. As a result, Council's proposed multi deck mixed use carpark has been suspended on a number of occasions, as the impacts of the station location on the project as well as the broader activity centre are not clear.

At the Ordinary Council meeting held on 31 March 2020, Council received a report which outlined the status of three Council projects within the Glen Waverley Activity Centre that are exposed to a potential risk of not progressing at this stage due to the investigative work underway by the Suburban Rail Loop Authority (SRLA) within the Glen Waverley Activity Centre (GWAC).

The report recommended next steps to re-prioritise three Council Projects in line with the investigative work of the SRLA.

More recently, at the Ordinary Council Meeting on 25 August 2020, Council resolved to further delay its planning, design and construction of the carpark given the uncertainty around the project and its impacts until the March 2021 Council meeting.

Officers discussions with the SRLA continue, but matters and announcements have not yet progressed to a point where Council can confidently move forward with its planning for the provision of additional car parking in the GWAC.

DISCUSSION

Since the 25 August 2020 Council meeting, there have been further changes at the SRLA, in particular the departure of Tom Considine as acting CEO and the appointment and commencement of Frankie Carroll as the new permanent CEO of the SRLA.

Officers have had an introductory meeting with Frankie Carroll and the Glen Waverley Activity Centre Advisory Committee also met with him and relevant staff on 23 March 2021 to further discuss the project, the impact on Council's proposed multi use car park project, as well as general matters and potential impacts on the Activity Centre. With this major project in addition to the COVID19 impacts on businesses in the Activity Centre, the outcomes and any potential impact on the GWAC need to be managed sensitively and appropriately, so as to cause minimum disruption.

The SRLA has also advised that they are in the process of having further discussions with landowners in all 3 proposed station locations, whose properties may be directly affected by the proposed project.

Council still has a contract (albeit it suspended until April 2021) with Warren & Mahoney Architects Pty Ltd (Consultant). Given the uncertainty that still exists with regard to the SRLA and the impact upon Council's proposed carpark, Council must again consider what it does with regard to this contract. The contract provides the following three options:

1. Suspension (clause 10.3)
2. Variation by agreement (clause 17.3)
3. Termination for convenience (clause 17.3.2)

In order to ensure Council meets its contractual obligations and procurement rules, we have received legal advice from Council's lawyers on Council's ability to request a further six month suspension of the Contract until 30 September 2021. The advice received confirmed Council's ability to further suspend the Contract in accordance with clause 10.3 of the Contract subject to this being acceptable to the Consultant. Accordingly and in the circumstances this is the recommendation being made to Council.

The proposal to suspend the Contract for a further six month period has been discussed with the Consultant who has confirmed the further six month suspension to 30 September 2021 is acceptable to them.

POLICY IMPLICATIONS

There are no policy implications by further suspending the Contract.

FINANCIAL IMPLICATIONS

Nil.

CONSULTATION

Information on the further suspension of the Contract will be provided on Council's website and by writing to Council's key stakeholders.

CONCLUSION

It remains critical that Council officers continue discussions with the SRLA regarding possible location options for the Suburban Rail Loop (SRL) station in the GWAC including identifying potential issues and opportunities for any location and present further updates to Council.

Given the continuing uncertainty with the SRL Station location at Glen Waverley, it is recommended that the planning for the mixed-use multi-deck carpark be further suspended to allow Council to evaluate the next steps with the SRLA.

This report recommends that Council resolve to suspend the contract for a further six month period to 30 September 2021.