

7.1.6 PROPOSED ROAD DISCONTINUANCE – GLENDALE STREET, GLEN WAVERLEY

Responsible Manager:	Andrew Shaw, Acting Manager Property and City Design
Responsible Director:	Peter Panagakos, Director City Development

RECOMMENDATION

That Council

1. Notes that the Suburban Rail Loop Authority (SRLA) intend to include Glendale Street, Glen Waverley (Road) in its development site for the future Suburban Rail Loop, Glen Waverley Station and that the Road is located between the two Council properties also to be acquired by the SRLA for the same purpose being 31-39 and 41-47 Montclair Avenue, Glen Waverley.
2. Notes that the Road is contained within the SRLA's project boundary and given this, on 8 May 2023, Council obtained the consent of the SRLA for Council to use its powers to discontinue the Road as provided by the Local Government Act 1989 and/or Road Management Act 2004.
3. Given items 1 – 2 above, resolves to:
 - a) remove the Road from Council's Register of Public Roads on the basis that the Road is no longer required for general public use for the reasons set out in the body of this report.
 - b) 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 retain the land in Council and save any easement rights in favour of statutory authorities that may have assets located in the Road and
 - c) pursuant to Sections 207A and 223 of the Act, directs that public notice of the proposed discontinuance of the Road, be given in locally circulating newspaper and on Council's website.

('Proposal').

4. 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).
5. Appoints a Committee of Council, comprising the Mayor (Chair) and Councillors from Scotchmans Creek Ward, Blackburn Ward and Gallaghers Ward, to hear any submissions received to the Proposal under Section 223 of the Act at the Civic Centre on Tuesday 15 April 2025 at 6:30pm, or at such a later time and date as the Appointed Officer may determine.
6. Agree to consider the Committee of Council's report on its proceeding and a summary of any hearing and determine whether to proceed with the Proposal at its meeting on 27 May 2025 or such a later time and date as the Appointed Officer may determine.
7. Notes that following public consultation and if Council resolves to proceed with the Proposal, the land from the Road will become part of the two Council properties referred to in item 1 above and access to these two Council properties and the RSL site will

continue to be provided, and the carparks (Glendale St East and West and the former Road) will be known as the Montclair Avenue Car Park and all relevant signage will be updated to reflect this change.

INTRODUCTION

This report proposes that Council commence the statutory procedures under Clause 3 of Schedule 10 of the Local Government Act 1989 (**Act**) to remove the road status from Glendale Street, Glen Waverley being the land shown hatched on the Plan for Road Discontinuance Purposes provided in **Attachment 1** to this report (**Road**) and retain the land pending its compulsory acquisition by the Suburban Rail Loop Authority (**SRLA**).

The land from the Road is required by the SRLA to be included in the site to be developed as the SRL Glen Waverley Station and at a future point in time, the SRLA will acquire the land from the Road from Council as part of the acquisition of Council's properties at 31-39 and 41-47 Montclair Avenue, Glen Waverley. As a result, the Road will no longer be required for its intended purpose.

As the Road is within the SRLA project boundary for the Glen Waverley Activity Centre, Council required the consent of SRLA to use its powers to discontinue the Road as provided by the Act.

This consent was provided on 8 May 2023. A copy of SRLA's consent letter is provided in **Attachment 2** to this report.

Council therefore proposes to consider discontinuing the Road as the land is required for a new Glen Waverley SRL Station.

COUNCIL PLAN STRATEGIC OBJECTIVES

Enhanced Places

Explore and facilitate major projects to transform Monash.

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.

BACKGROUND

Previous reports and briefings to Council have discussed the acquisition of five (5) parcels of Council land in the Glen Waverley Activity Centre by the SRLA to facilitate the SRLA Glen Waverley Station being:

1. *5 Myrtle Street, Glen Waverley*
2. *29 Montclair Avenue, Glen Waverley*
3. *155 Coleman Parade, Glen Waverley*
4. *31-39 Montclair Avenue, Glen Waverley*
5. *41-47 Montclair Avenue, Glen Waverley*

and in particular, the Council report of 29 June 2021 (item 1.7) which introduced the acquisition of the above parcels of land by the SRLA. The above five properties are shown in Image1 below.

The SRLA has also confirmed it requires Glendale Street, being the road between properties 4 & 5 to form part of the SRLA Glen Waverley Station site.

b) *plan of subdivision no. LP13459 (southern portion of Glendale Street), and being the land contained in certificate of title volume 12457 folio 053.*

Current use and access to surrounding car park

The Road provides a north-south link between Coleman parade and Montclair Avenue and has multiple access points to the public car parking on either side and to the RSL site. Should Council resolve to discontinue the Road, even though the road status will have been removed, the use as access to the public car parking and the RSL site will remain until such time as the SRLA acquire the land for its purposes. Until that time, the road will be unencumbered freehold Council land that is part of the car park.

The Road is listed on Council's register of public roads noted as a Local Road – Category 1 (**Register**). Given the future use of the land from the Road to be included in the site for the SRLA Glen Waverley Station and that access to the adjacent car parks and RSL site will continue to be provided (as discussed above), it is considered that the Road status is no longer reasonably required to be in place to provide for general public use pursuant to s. 17(4) of the Road Management Act 2004 and can be removed from the Register.

Service Authorities

Service authorities have been contacted regarding the proposal to remove the road status from the Road and asked whether they had any assets in the Road that require protection with an easement to be registered on the title to issue for the land from the Road.

Currently, Yarra Valley Water have a sewer line that traverses the Road (shown by the orange line on Image 1 above). Yarra Valley Water have responded that due to the SRLA project, its sewer infrastructure is in the process of being decommissioned and relocated to Coleman Parade as part of the SRLA's initial and early works package and as such, they do not require the existing sewer line to be protected with an easement.

All other service authorities responded that they have no objection to the Proposal.

Road Discontinuance Procedure

Council's powers to attend to removal of a road status is provided by the Act. In particular, Clause 3, Schedule 10 of the Act which provides Council with the power to discontinue roads on the basis that the Road is no longer required for its intended purpose of providing access to the general public and s.207A and s.223 of the Act regarding the public notification process and hearing of submissions.

Therefore, this report proposes that Council commence the statutory procedures pursuant to Clause 3 of Schedule 10 and s.207A and s.223 of the Act to discontinue the Road shown hatched on the Road Discontinuance Plan in Attachment 1 to this report and retain the land pending notification by the SRLA of the date it will formally acquire the land from the Road with the two adjacent parcels of Council land.

Removal of Road from Council's Register of Public Roads

It is considered that the Road is no longer reasonably required for general public use pursuant to s.17(4) of the Road Management Act 2004 as alternative road access is available to adjoining properties and the land has been identified as required for the new Glen Waverley Station.

The proposed key sequencing for the discontinuance of the Road is as follows:

1. Council to consider removing the Road from the Register.
2. Council to agree to commence the statutory procedures for a road discontinuance pursuant to Clause 3, Schedule 10 of the Act including public notification in accordance with s.207A and s.223 of the Act.
3. Public notification process.
4. S.223 Committee meeting to hear any submissions.
5. Council to consider a report from the s.223 Committee on the outcome of the public notification process and hearing of any submissions regarding the discontinuation the Road and determine whether or not to proceed with the discontinuance process.

If following the consideration of public submissions to the Proposal, Council resolves to discontinue the Road, and upon publication of the Gazettal Notice, the carparks (Glendale St East and West and the former Road) will collectively be known as the Montclair Avenue Car Park. The access to the former Road has and will continue to be restricted by the SRLA and their works be it through the temporary closure of Coleman Parade or Montclair Avenue (at alternating times) as part of their initial and early works, and ultimately through the permanent closure of Coleman Parade and acquisition of the land by SRLA.

Access to the carparks and the RSL will not be affected, and all relevant signage will be update to reflect this change.

FINANCIAL IMPLICATIONS

Council will receive the market value of the land (inclusive of the Road and both carparks as a single parcel of land) from the SRLA when they acquire it.

CONSULTATION

Internal

The Proposal has been discussed between officers in Council's Property and Engineering Departments. No concerns were raised with the request to remove the road status from the Road understanding that it is to be included in the site for the new SRLA Glen Waverley Station and that access to the adjacent public car park and RSL site can continue to be provided.

External

In accordance with s.223 of the Act, a public notice of the Proposal will be published in local circulating newspaper and on Council's website. The public notice will invite submissions on the Proposal and submitters may request to be heard by the s.223 Committee prior to a decision being made on the Proposal.

A key stakeholder is the RSL who has an adjoining property to the Road. The Proposal has been discussed with the RSL and they will be formally notified in writing of the date of publication of the notice regarding the Proposal.

In addition, as mentioned above, service authorities have been consulted on the Proposal and there is no objection to the removal of the road status.

SOCIAL IMPLICATIONS

There are no social implications to this report.

HUMAN RIGHTS CONSIDERATIONS

There are no human rights implications to this report.

GENDER IMPACT ASSESSMENT

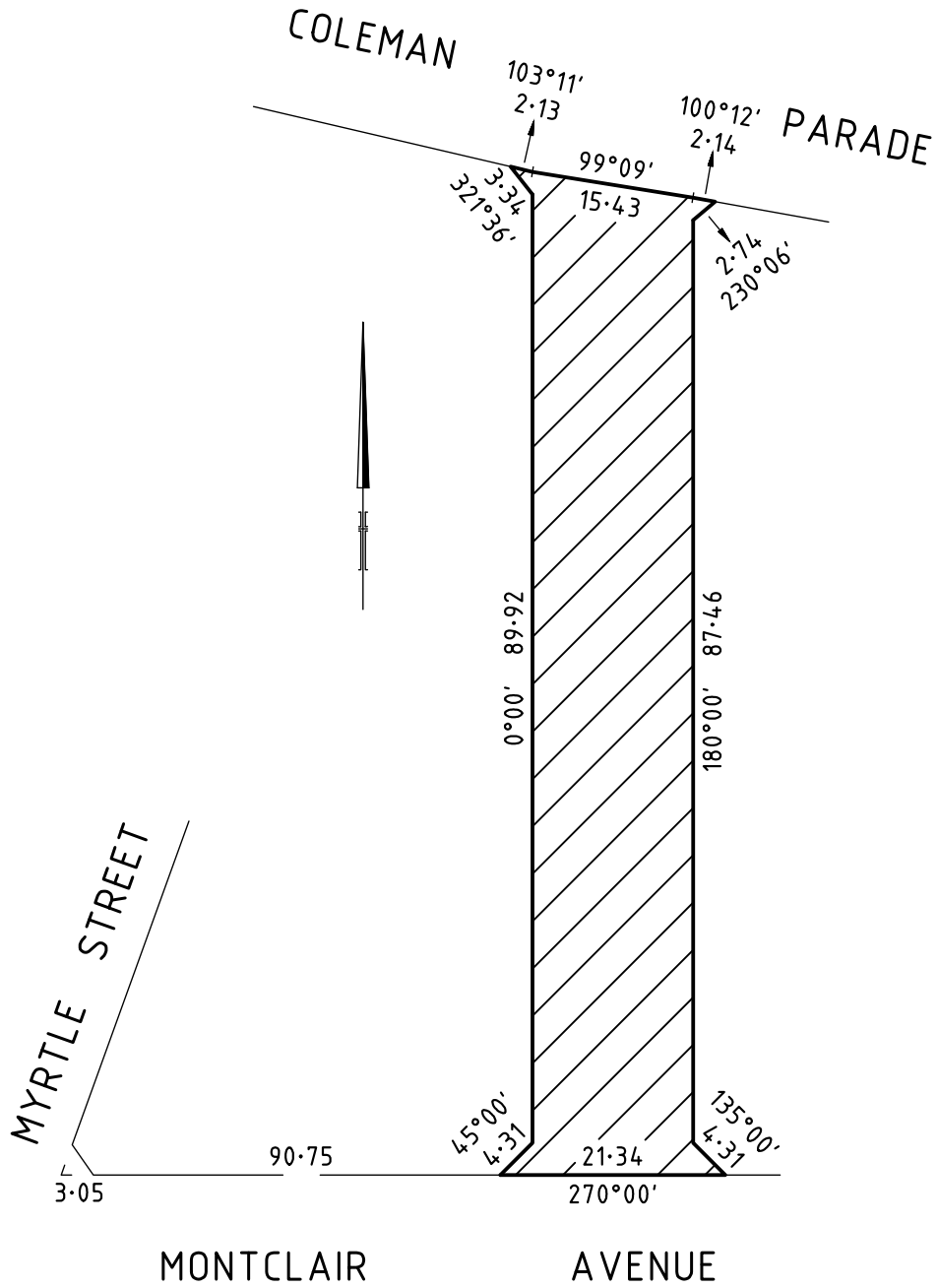
A GIA was not completed because this agenda item is not a 'policy', 'program' or 'service'.

CONCLUSION

The Road will become part of the site for the SRLA Glen Waverley Station. This road discontinuance procedure will facilitate the removal of the road status from the Road in readiness for acquisition of it and the surrounding car park land by SRLA.

ATTACHMENT LIST

1. Attachment 1 - Plan for Road Discontinuance Purposes [7.1.6.1 - 1 page]
2. Attachment 2 - Letter from SRLA regarding proposed road discontinuances- 8 May 2023 [7.1.6.2 - 4 pages]



Suburban Rail Loop Authority
Level 36, 80 Collins Street, Melbourne VIC 3000
PO Box 24214, Melbourne VIC 3001
T 1800 105 105
suburbanrailloop.vic.gov.au



Dr Andi Diamond
Chief Executive Officer
City of Monash
293 Springvale Road
GLEN WAVERLEY VIC 3150

CC: Mark Gibson
Manager Property & City Design
City of Monash
mark.gibson@monash.vic.gov.au

Dear Dr Diamond

**PROPOSED ROAD DISCONTINUANCES BY MONASH CITY COUNCIL
DESIGNATED PROJECT AREA FOR THE SUBURBAN RAIL LOOP PROJECT EAST (SRL EAST)**

Thank you for your letter addressed to Chief Executive Officer Frankie Carroll dated 18 April 2023 regarding Monash City Council's proposal to discontinue the following roads pursuant to clause 3 of Schedule 10 to the *Local Government Act 1989*:

- that part of Railway Parade North, Glen Waverley, shown hatched on the plan attached at Appendix 1 to this letter; and
- Glendale Street, Glen Waverley, being the land shown outlined red on the aerial image attached Appendix 2 to this letter,

(together, the 'Roads').

Suburban Rail Loop Authority (SRLA), as project authority for SRL East, has considered your application under section 189(2) of the *Major Transport Projects Facilitation Act 2009* (MTPF Act). Pursuant to section 189(4) of the MTPF Act, SRLA considers the discontinuance of the Roads would be consistent with the purposes of the Project. Pursuant to section 189(1), SRLA consents to the discontinuance of the Roads by Monash City Council under clause 3 of Schedule 10 to the *Local Government Act 1989*.

As Acting Executive General Manager, Land, Planning, Environment and Sustainability, I have delegation under the MTPF Act to consent to these road discontinuances.

I note reference in your letter to the objection from VicTrack relating to the Railway Parade North proposal that has now been withdrawn. SRLA is continuing to engage with VicTrack regarding SRL East, including the proposed replacement car park in Glen Waverley.

I also note the ongoing engagement underway between our respective teams to discuss these matters. I would like to again thank Council for its ongoing involvement in SRL East and look forward to continuing to work closely as we progress key elements of this city and state shaping project.

If you have any queries in relation to this letter, please contact Jess Foulds, Deputy Director, Engagement at Jessica.b.foulds@srla.vic.gov.au.

Yours sincerely

A handwritten signature in black ink, appearing to read "Lissa van Camp".

Lissa van Camp



Suburban Rail Loop Authority

Level 36, 80 Collins Street, Melbourne VIC 3000
PO Box 24214, Melbourne VIC 3001
T 1800 105 105
suburbanrailloop.vic.gov.au



Acting Executive General Manager, Land, Planning, Environment and Sustainability

8 / 5 / 2023



Suburban Rail Loop Authority
 Level 36, 80 Collins Street, Melbourne VIC 3000
 PO Box 24214, Melbourne VIC 3001
 T 1800 105 105
 suburbanrailloop.vic.gov.au



APPENDIX 1

Part of Railway Parade North to be discontinued

**Shown hatched on diagram below.
 Shown purple on aerial image below.**

