

1.9 PROPOSED ROAD DISCONTINUANCE OF MULTIPLE UNUSED ROADS FORMING PART OF MOUNT WAVERLEY RESERVE

Responsible Committee: Committee of Council

RECOMMENDATION

That Council:

- 1. Receives this report from the Committee established by Council pursuant to Section 223 of the Local Government Act 1989 (S.223 Committee) to hear and consider any submissions received to Council's public notice in respect of the proposal to discontinue a number of roads, being the carriageway easements on Plan TP530016Q (Roads), which form Mount Waverley Reserve (Reserve) on the basis that they do not require the formal status of a road, and the land from the Roads should be retained by Council and consolidated with the various parcels of land forming the Reserve.*
- 2. Notes that the S.223 Committee met on Tuesday May 17 2022 at 7.15pm to hear and consider any submissions received in respect of discontinuing the Roads and noting that there were no submissions received.*
- 3. Accepts the S.223 Committee's recommendation as follows:
The Committee resolved to recommend to Council that Council proceed with the discontinuance of the Roads and retain the land from the Roads to be consolidated with the surrounding Council land that forms the Reserve.*
- 4. Authorise the CEO to:
 - a.
 - i. publish a Notice of Road Discontinuance in the Victorian Government Gazette pursuant to Clause 3(a) of Schedule 10 of the Local Government Act 1989 noting Councils decision to discontinue the Road and retain the land; and*
 - ii. prepare and lodge with Council an application for certification of a plan of subdivision which will consolidate the land to be retained by Council with the surrounding Council land that that forms the Reserve; and**
 - b. prepare and execute all documents required in connection with, and to give effect to, the discontinuance of the Roads and the consolidation of the land from the Roads with the adjoining Council land that forms the Reserve.**

INTRODUCTION

This report considers the outcome of the public notification process pursuant to S.223 of the Local Government Act 1989 for the discontinuance of a number of roads which form part of the Mount Waverley Reserve (Reserve).

BACKGROUND

On 22 February 2022, Council considered a report on the proposed discontinuance of a number of roads within the Reserve as part of the works required by the Mount Waverley Reserve Masterplan and resolved as follows:

“That Council:

- 1. Notes that Council, at its meeting on 27 July 2021, adopted the draft Mount Waverley Reserve Masterplan for consultation and at its meeting on 30 November 2021, Council endorsed the Mount Waverley Reserve Masterplan.*
- 2. Notes that the 27 July 2021 Council report highlighted the numerous parcels of land currently forming Mount Waverley Reserve that have the legal status of a road, a status which is not required for current or future use. These roads are identified on the Title Re-Establishment Survey for Mount Waverley Reserve in Attachment 1.*
- 3. Notes the current and proposed future uses of the land that forms the roads and agrees that:*
 - a. The road status should be removed (discontinued) from the areas shown on the Plan for Road Discontinuance Purposes in Attachment 2 pursuant to Section 206 and Clause 3 of Schedule 10 of the Local Government Act 1989 (Vic) (‘Act’) and the land consolidated within the surrounding land that forms the Mount Waverley Reserve as part of a Plan of Consolidation.*
 - b. A small section of the road in the North East corner of Gwynne Street will become an extension of Fleet Street as part of the Plan of Consolidation process in order to protect the existing in-situ asset owned by United Energy Limited.*
- 4. Resolves to commence the statutory procedures pursuant to Sections 207A and 223 of the Act to consider discontinuing the area of roads shown on the Plan for Road Discontinuance Purposes in Attachment 2 pursuant to Clause 3 of Schedule 10 of the Act (‘the Proposal’).*
- 5. Gives public notice of the Proposal in accordance with Sections 207A and 223 of the Act in a daily newspaper and on Council’s website from 1 March 2022 and invite submissions on the Proposal.*
- 6. 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').

7. *Appoint a Committee of Council comprising of the Mayor and Mount Waverley Ward Councillors to meet to consider the outcome of the public notice referred to in point 5 above, and to hear and consider any submitters requesting to be heard in accordance with Section 223 of the Act at 7.15pm on 17 May 2022 at the Monash City Council Civic Centre, 293 Springvale Road Glen Waverley.*
8. *Notes that following the meeting referred to in point 7 above and consideration of any submissions, that the Committee of Council provide a report back to Council on its considerations including a summary of any submissions and make a recommendation to Council on whether or not to proceed with the Proposal.*

CARRIED"

Public Notification

In accordance with item 5 of the 22 February 2022 Council resolution, a public notice advising of Council's intention to discontinue the Roads was published in the Age Newspaper and on Council's website on 5 March 2022 calling for submissions on the proposal to be received by close of business on 4 April 2022.

Public Response

There were no submissions received during the consultation period and no subsequent submissions have been received.

S.223 Committee Meeting

The S.223 Committee met at 7.15pm on 17 May 2022 in the Council Chambers to consider the outcome of the public notification process.

The Mayor, Councillor Stuart James and the Mount Waverley Ward Councillors comprised the Committee appointed by Council. Councillor Rebecca Paterson was an apology for the meeting.

The agenda of the S.223 Committee was to consider any written submissions received, and make a recommendation to Council on how to proceed with regard to the discontinuance of the Roads.

The outcome of the Committee was to recommend to Council the following:

- (1) Council proceed with the discontinuance of the Roads and retain the land from the Roads to be consolidated with the surrounding Council land that forms the Reserve.

POLICY IMPLICATIONS

There are no Council policy implications with proceeding to discontinue the Roads.

CONSULTATION

Consultation regarding the discontinuance of the Roads has been completed in accordance with Council's statutory obligations pursuant to Section 223 of the Local Government Act 1989. No further consultation is required.

FINANCIAL IMPLICATIONS

Financial implications are limited to the costs of preparation of land survey documentation, planning and lodging fees of the Plan of Consolidation at the Land Titles Office. This is estimated at \$6700.00 (excl. GST) and the Property and City Design team have budget allocation for this work.

CONCLUSION

The proposal to discontinue the Roads and consolidate the land with the adjoining Council land that forms the Reserve will serve to resolve the land status situation and avoid any planning complications to achieve the recommendations of the masterplan for the Reserve.