

Committee report to Council

Agenda item 5.1

Council

Proposed discontinuance of parts of Barry and Leicester Street Carlton

27 March 2018

Committee Submissions (Section 223)

Presenter Rob Adams, Director City Design and Projects

Purpose and background

1. The purpose of this report is to recommend the proposed discontinuance, pursuant to section 206(1) and clause 3 of schedule 10 of the *Local Government Act 1989* (the Act), of part of Leicester Street, Carlton in accordance with the recommendation from the Submissions (Section 223) Committee.
2. At the Submissions (Section 223) Committee meeting on 1 February 2018 the Committee considered the report at Attachment 1 and made the below recommendation for presentation to Council.

Recommendation

3. That Council:
 - 3.1. Discontinues parts of Leicester Street (but not Barry Street) Carlton as proposed on the plan in the public notice published in The Age of 29 November 2017 but excluding the area of Leicester Street adjoining Grattan Street identified by the Melbourne Metro Rail Authority (MMRA) in its submission of 23 January 2018 (excised area), for the reasons that:
 - 3.1.1. the MMRA has separately identified all of the land the subject of the proposed discontinuance in Barry Street and Grattan Street will be closed for up to five years for the construction of the Rail Project, so the two parking spaces for people with a disability parking permit will not be available, irrespective of whether the proposal to discontinue proceeds or not
 - 3.1.2. alternate parking spaces for holders of a parking permit for people with a disability have been identified at the southern end of Barry Street which will temporarily address the issue raised by Biomedical Research Victoria until new locations are provided after construction works are completed
 - 3.1.3. it is appropriate that Barry Street remain a road to enable the MMRA to use that area for the purposes of the Rail Project utilising the *Road Management Act 2004*
 - 3.1.4. the reduction in the area to be discontinued by the removal of the excised area together with the deletion of Barry Street, addresses the issue raised by the MMRA in its submission.
 - 3.2. Notifies in writing every person who has lodged a separate submission of the decision and reasons for the decision.
 - 3.3. Notes that as the excised area will remain road but be occupied by the MMRA for the duration of the construction of the Rail Project, management will take the necessary steps to have the excised area removed from the Council's road register maintained under the *Road Management Act 2004*.

Attachment:

1. Submissions (Section 223) Committee Report, Agenda item 5.1, 1 February 2018 (page 2 of 8)

Management report to Submissions (223) Committee

**Attachment 1
Agenda item 5.1
Council
27 March 2018**

Proposed discontinuance of parts of Barry Street and Leicester Street, Carlton

Presenter: Leon Wilson, Team Leader Land Survey

Purpose and background

1. This report addresses two submissions received to the proposed discontinuance, pursuant to section 206(1) and clause 3 of schedule 10 of the *Local Government Act 1989* ('the Act'), of parts of Barry Street and Leicester Street ('the Roads'), Carlton, as shown hatched on the attached plan (see Attachment 2).
2. City of Melbourne Planning Permit No. TP-2017-734 was issued on 20 November 2017. The permit allows for proposed works associated with the demolition of Leicester Street and to carry out works associated with the construction of Leicester Street and a park, and the installation of an underground water storage tank.
3. The works in Barry Street for the expansion of University Square will be the subject of a later permit application once the Melbourne Metro Rail Works are completed.
4. Council Officers met with the Melbourne Metro Rail Authority (MMRA) on 14 September 2017 advising that the Roads would be discontinued and remain as un-alienated Crown Land until completion of both projects. This process was supported by MMRA. Once the projects are complete the relevant areas can be reserved for the relevant purpose.
5. The two submissions have been received with the main points as follows:
 - 5.1. The first submission is from MMRA advising they wish to have two areas excluded from the discontinuance and use their powers under the *Major Transport Projects Facilitation Act 2009*.
 - 5.2. The second submission is from Biomedical Research Victoria seeking ongoing access to appropriate nearby car parking for two staff with Parking Permits for People with Disabilities and City Access Permits.

Key issues

6. Community engagement commenced on the University Square Master plan in September 2014. The final version of the Master Plan was presented to, and adopted by, the Future Melbourne Committee on 6 December 2016.
7. The Master Plan shows the creation of accessible car parking and loading zones in Leicester Street.
8. The area requested by MMRA can be removed from the proposed discontinuance however it will remain on Council's Road Register. It is recommended that if the MMRA areas are removed from the proposal they should also be removed from Council's Road Register as they will not be available for public use during the construction works. Any balance land within the MMRA areas not required by MMRA will need to be added to the Public Park Purposes reservation by MMRA once the rail works are completed.

Recommendation from management

9. That the Submissions (Section 223) Committee:
 - 9.1. considers all written submissions in relation to the proposal and hears any person wishing to be heard in support of his or her submission and then makes a recommendation to Council
 - 9.2. recommends Council notify in writing every person who has lodged a submission of its decision and the reasons for its decision.

Supporting Attachment

Legal

1. Pursuant to sections 206(1) and clause 3 of Schedule 10 of the Act, Council has given public notice that it proposes to discontinue the Roads.
2. If the proposal is successful the affected area not required by the Melbourne Metro Rail Project will be reserved under the *Crown Land (Reserves) Act 1978* and the Council appointed committee of management.

Finance

3. The discontinuance and works are being funded through the City Design Capital Works budget for the implementation of the University Square Master Plan

Conflict of interest

4. No member of Council staff, or other person engaged under a contract, involved in advising on or preparing this report has declared a direct or indirect interest in relation to the matter of the report.

Stakeholder consultation

5. The owner of the Road is the Crown represented by Department of Environment, Land, Water and Planning. An email from DELWP dated 3 October 2017 advises no objection to the proposal to expand University Square by discontinuing the Road, reserving the land for park purposes and Council becoming the Committee of Management for the additional area.
6. The proposal was given public notice. Overall the consultation involved:
 - 6.1. advertising in the Age on 29 November 2017;
 - 6.2. a letter being sent to the owners and occupiers of abutting properties; and
 - 6.3. all of the Service Authorities being notified by e-mail of the proposal.

Relation to Council policy

7. The proposed discontinuance has been assessed under the Road Discontinuance and Sale Policy.

Environmental sustainability

8. The discontinuance if successful will support the vision for University Square to:
 - 8.1. create a bigger park by increasing public open space to meet the needs of a rapidly growing, changing and more densely populated community
 - 8.2. respond to our changing climate by using open space to redirect and re-use stormwater, capture solar energy, increase tree canopy cover to reduce the urban heat island effect and to contribute to the ecological and human needs of urban space by using understorey plantings
 - 8.3. provide for a greater range of use and activity to meet different needs at different times
 - 8.4. restore a failing landscape and create a new open space hub that better serves the local community including residents, students, workers and visitors

Melbourne City Council

Proposed discontinuance of parts of Barry Street and Leicester Street, Carlton

Notice is given pursuant to sections 206(1) and 223 and clause 3 of schedule 10 of the *Local Government Act 1989* ('Act') that the Melbourne City Council ('Council') proposes to discontinue, parts of Barry Street and Leicester Street Carlton as shown hatched and cross hatched on the plan below ('Proposal').

If the Proposal is successful, the affected area not required for the Metro Rail Project will be reserved under the *Crown Land (Reserves) Act 1978* and the Council appointed committee of management.

Any person may make a written submission on the Proposal to the Council. All submissions received by the Council on or before 25 January 2018 will be considered in accordance with section 223(1) of the Act, by the Council's Submissions (Section 223) Committee ('Committee').

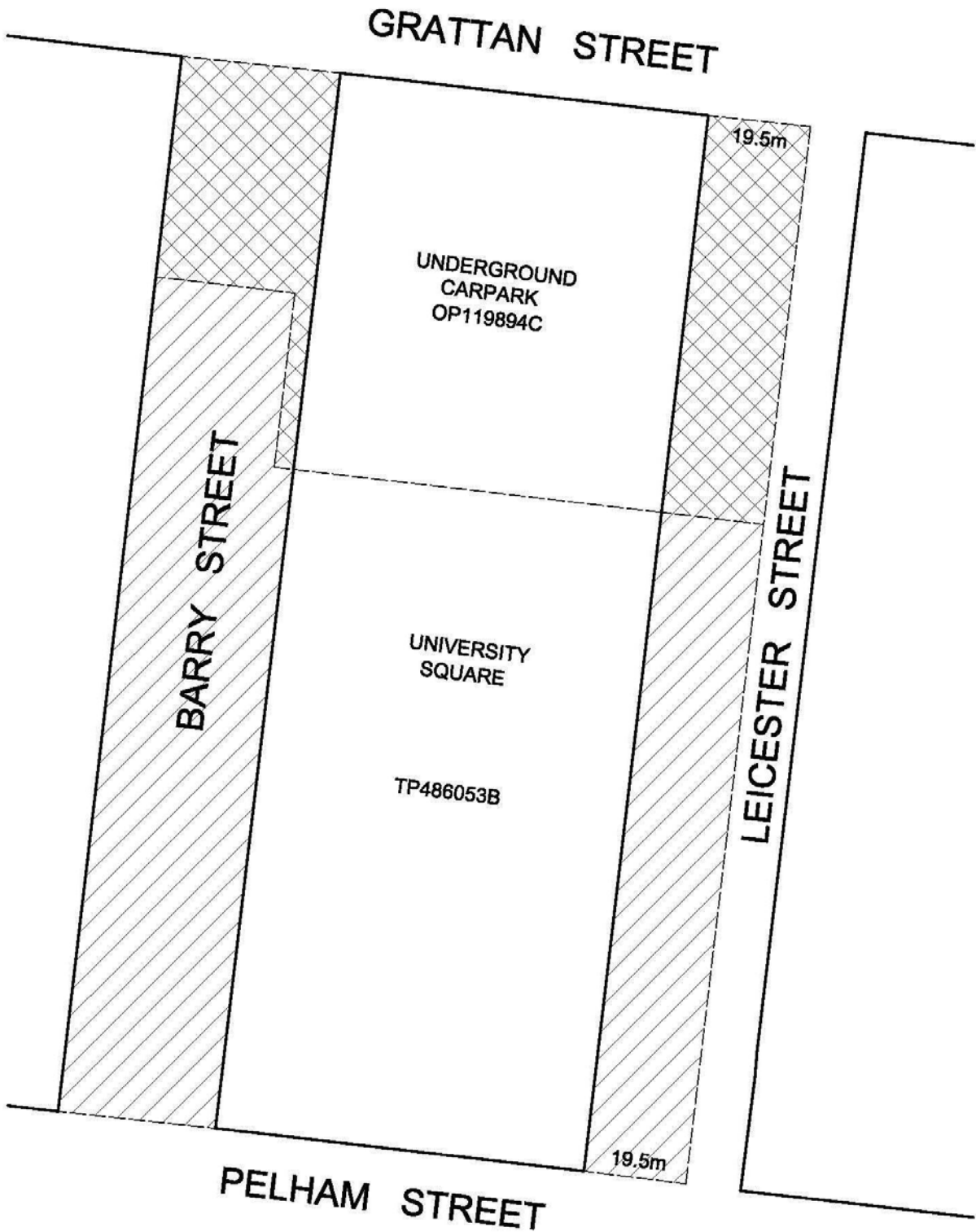
If a person wishes to be heard in support of their submission they must include the request to be heard in the written submission and this will entitle them to appear in person, or by a person acting on their behalf, before a meeting of the Committee, scheduled to be held on 1 February 2018, commencing at 3pm, in the Melbourne Town Hall, Administration Building, Swanston Street, Melbourne.

Written submissions should be marked 'Proposed Discontinuance of parts of Barry Street and Leicester Street' and addressed to the Manager Governance and Legal, Melbourne City Council, GPO Box 1603, Melbourne, 3001. Written submissions can be made via mail, email to com.meetings@melbourne.vic.gov.au or on-line at <https://comdigital.wufoo.com/forms/rly4bj60tdagsq/>

Written submissions cannot be delivered in person.

Submissions form part of the public record of the meeting (including any personal information you provide) and will be published on Council's website (accessible worldwide) for an indefinite period. A hard copy will also be made available for inspection by members of the public at Council offices.

If you have any concerns about how Council will use and disclose your personal information, please contact the Council Business team via email at privacy@melbourne.vic.gov.au



Not to Scale

Land subject to Discontinuance



Government Road - unlimited in height and depth



Government Road - excluding stratum defined by OP119894C



Melbourne Metro Rail Authority
Level 13, 121 Exhibition Street,
Melbourne VIC 3000
T 1800 551 927

Ref: COR/18/83831

Manager, Governance and Legal
Melbourne City Council
GPO Box 1603
MELBOURNE VIC 3001
com.meetings@melbourne.vic.gov.au

Dear Sir

PROPOSED DISCONTINUANCE OF PARTS OF BARRY STREET AND LEICESTER STREET

The \$11 billion Metro Tunnel will free up Melbourne's biggest bottleneck by running three of our busiest train lines through a new tunnel.

Twin nine-kilometre tunnels will deliver a new dedicated pathway through the heart of the city of Melbourne's busiest rail lines, creating space for more trains to run more often across Melbourne's rail network.

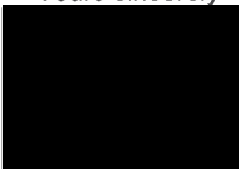
The Metro Tunnel will include five new underground stations, including one at Parkville.

The Melbourne Metro Rail Authority (MMRA) is responsible for the delivery of the Metro Tunnel Project.

Part of the areas of Barry and Leicester Streets, Parkville proposed to be discontinued by the City of Melbourne pursuant to its powers under the *Local Government Act 1989* (as identified in the notice published by the Council last year) are required by MMRA for the delivery of the Metro Tunnel (in particular, the Parkville Station). The required areas are coloured **yellow** on the attached plan (**Attachment A**).

MMRA therefore asks that the City of Melbourne not discontinue the required areas identified in Attachment A as MMRA intends to use the powers under the *Major Transport Projects Facilitation Act 2009* to obtain access to and use of those areas for the purposes of the Metro Tunnel project.

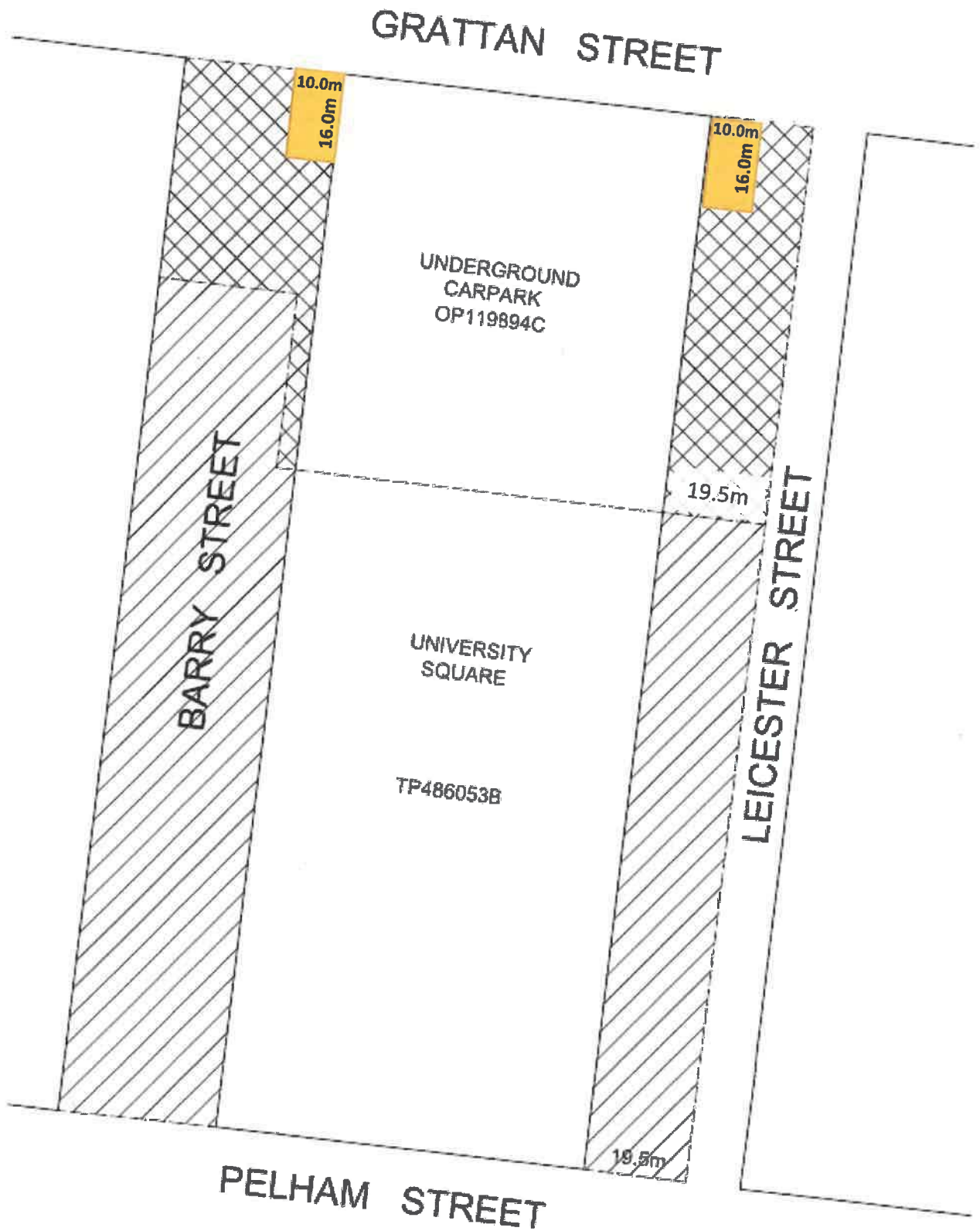
Yours sincerely



Justin Deegan
Project General Counsel

23 / 01 / 2018

Attachment A



Not to Scale

Land subject to Discontinuance



Government Road - unlimited in height and depth



Government Road - excluding stratum defined by OP119894C



Exclude from Road Discontinuance

23 January 2018

Mr Keith Williamson
Manager Governance and Legal
Melbourne City Council
GPO Box 1603, Melbourne VIC 3001

Sent by email to: com.meetings@melbourne.vic.gov.au

Dear Mr Williamson,

RE: Proposed Discontinuance of parts of Barry Street and Leicester Street, Carlton

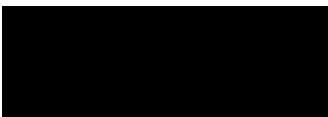
Thank you for the opportunity to make a submission in relation to the above matter.

As the City of Melbourne's records will confirm, Biomedical Research Victoria has two staff members each with a valid Parking Permit for People with Disabilities and a City of Melbourne **City Access Permit** that facilitates parking outside, or a very short distance from, the offices of Biomedical Research Victoria located at 157 Barry Street, Carlton where they regularly attend work.

With the proposed discontinuance of Barry Street in the vicinity of the Biomedical Research Victoria office, I request the City of Melbourne make arrangements to ensure ongoing car access to either the existing parking spaces or to alternative nearby parking spaces to meet the ongoing needs of our staff.

Further I request to be heard in person in relation to this submission before the meeting of the Council's Submissions Committee scheduled to be held on 1 February 2018, commencing at 3pm.

Yours sincerely,

A solid black rectangular box used to redact the signature of Jan Tennent.

Jan Tennent
CEO, Biomedical Research Victoria