

6.2.9 Mulcahy Road, Pakenham - Road Closure

Responsible GM: Peter Benazic
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Recommendation(s)

That Council:

1. Resolve to commence the statutory procedures in accordance with clause 9 schedule 11 of the Local Government Act, 1989, (the Act) to close Mulcahy Road, Pakenham between Thewlis Road and Moritz Street, and
2. Resolve to commence the statutory procedures in accordance with clause 3 of Schedule 10 to the Local Government Act 1989 to discontinue the section of Mulcahy road adjoining the Pakenham Cemetery in order that the Department of Environment Land Water and Planning can include this parcel of crown land under the management of the Pakenham Cemetery Trust.
3. Resolve to appoint a Committee comprising of the Mayor and Deputy Mayor to hear any submissions, and the Chief Executive Officer be authorised to set the day, time and place for the hearing of such submissions.

Attachments

1. Mulcahy Road Overview and Engagement Strategy Timeline [6.2.9.1 - 2 pages]

Executive Summary

Mulcahy Road, Pakenham, runs from Thewlis Road, east past Purton Road. The road is located on Department of Environment, Land, Water and Planning (DELWP) land. Some parts have kerb and channel and sealed pavement whilst other sections are totally unconstructed.

The closure of Mulcahy Road at Thewlis Road is proposed as the designated, unsignalised intersection treatment (i.e. roundabout) as shown within the Cardinia Road Precinct Structure Plan is not able to be achieved. The roundabout was investigated and would have required land acquisition from the adjacent cemetery, most probably including relocation of graves, and was thus not deemed reasonable. This was reviewed and confirmed a number of years ago, and developments in the area have proceeded on this basis with alternate access being provided through the adjacent developments (existing and future).

The Cardinia Road Precinct Structure Plan also shows the road priority at the intersection as a local arterial road connection from Thewlis Road (southern approach), to Kenneth Road (western approach). This will still be able to be maintained with a developer delivered alternative intersection treatment and the proposed Mulcahy Road road closure in place.

Council must either open up Mulcahy Road to motor traffic or instigate a permanent closure at this location.

Motorists wishing to enter the Mt Pleasant estate will be able to do so via Havana Parade and Pointer Drive. The Pakenham Cemetery abuts the northern side of Mulcahy Road from Thewlis Road to Mammoth Court.

In order to close Mulcahy Road at Thewlis Road, Council must resolve to do so in accordance with Clause 9 Schedule 11 of the Local Government Act, 1989, (the Act).

The Pakenham Cemetery has expressed interest in acquiring a portion of the Mulcahy Road, road reserve. This will require a discontinuance in accordance with Clause 3, Schedule 10 of the Local Government Act, 1989 (the Act)

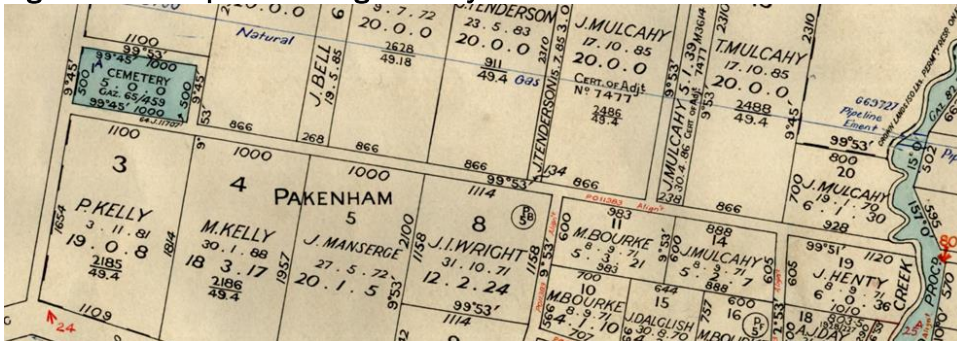
Background

Mulcahy Road, Pakenham runs from Thewlis Road east past Purton Road. It is located on Department of Environment, Land Water and Planning (DELWP) land, see Figures 1 and 2.

Figure 1. Aerial photo of Mulcahy Rd



Figure 2. Parish plan showing Mulcahy Road 1948



Most of the eastern part of Mulcahy Road has kerb and channel on both sides of the road and underground drainage (this excludes the very eastern section near Toomuc Creek). There is no formal footpath in Mulcahy Road between Purton Road and Studd Road, see Figure 3. A gravel path exists along the southern boundary of Mulcahy Road between Merlot Street and Studd Road. A concrete path has been provided along the southern boundary of Mulcahy Rd between O'Brien Parade and Merlot Street where residential properties front Mulcahy Road.

Figure 3. Mulcahy Road looking east near Studd Road



The western end of Mulcahy Road, Thewlis Road to Moritz Street, is currently blocked to motor traffic. This was done as a temporary arrangement by the developer of the Mount Pleasant Estate, which includes Moritz Street and Mammoth Court. See Figure 4. As this developer has nearly completed works associated with the development Council must either open Up Mulcahy Road or instigate a formal closure. Note the developer has already commenced constructing the road between Moritz Street and Pointer Drive. No road pavement is proposed west of Moritz Street.

The formal closure of Mulcahy Road at Thewlis Road is proposed as the designated, unsignalised intersection treatment (i.e. roundabout) as shown within the Cardinia Road Precinct Structure Plan is not able to be achieved. The roundabout was investigated and would have required land acquisition from the adjacent cemetery, most probably including relocation of graves, and was thus not deemed reasonable. This was reviewed and confirmed a number of years ago, and developments in the area have proceeded on this basis with alternate access being provided through the adjacent developments (existing and future).

Although Mulcahy Road was shown in the Precinct Structure Plan as providing a connection to Thewlis Road, is it not considered necessary as alternative east-west access to Thewlis Road will be provided.

Currently Havanna Parade provides access from Thewlis Road through to O' Brien Parade, immediately south of Mulcahy Road. The intersection of O'Brien Parade and Princes Highway is also signalised.

Future east west access from Thewlis Road will also be provided north of the cemetery as part of future residential developments via an extension of Prizzle Road. This access will link with Studd Road which intersects Mulcahy Road to the east in the industrial area.

The intersection of Thewlis Road and Princes Highway will also be signalised in the future to provide for enhanced safety for vehicles entering and exiting the highway from Thewlis Road.

If Mulcahy Road is not closed to motor traffic then the intersection of Thewlis Road, Kenneth Road and Mulcahy Road would require redesign and reconstruction.

One possible option is signalisation of this intersection.

This would present the following issues to Council:

- Signalisation of the intersection would cost approximately \$750,000 to \$1 M depending on services, alignment etc.
- The design of Kenneth Road is such that alignment of traffic lanes with current road space
i.e. the alignment of the traffic lanes are likely to be impacted by the cemetery therefore it is likely traffic signals would need to occupy the same construction footprint as a roundabout.
- The modified T intersection of Thewlis Rd and Kenneth Rd is being developer delivered based on approved plans. Any modifications to this design, or redesign to signalise the intersection would be at Councils cost.
- Any signalisation of an intersection requires approval from the Department of Transport (DoT) with DoT unlikely to support signals at a local intersection.
- Traffic Signals would be out of character with the area.
- Ongoing maintenance costs may come back to Council if the DoT does not support traffic signals.

Given the above, Traffic signals are not supported.

Another option would be to include Mulcahy Road in the Modified T intersection. Possibly with a 'Left In' and 'Left out' arrangement, however this is not recommended on safety grounds.

The 'modified T' is designed to accommodate the priority traffic movements from Thewlis Road to Kenneth Road as per the intent of the Cardinia Road Precinct Structure Plan. Given this forms part of the local arterial road network, which is designed to carry traffic volumes greater than 7000 vehicles per day, introducing additional vehicle conflicts within the intersection which are not appropriately controlled (E.g. via a roundabout or signalisation) poses serious safety risks and cannot be supported on safety grounds.

The current 'Modified T' intersection is considered the most appropriate treatment for this location and is to be developer funded.

Council must either open up Mulcahy Road to motor traffic or instigate a permanent closure at this location.

Figure 4. Intersection of Thewlis Road and Mulcahy Road showing current (temporary) road closure and Mulcahy Rd - looking east from Thewlis Rd



The developer of the Mount Pleasant estate will also be connecting (constructing) Moritz Street to Pointer Drive in the near future as works in this development site near completion, see Figure 5.

Figure 5. Mulcahy Road looking west to Moritz Street from Pointer Drive- soon to be constructed by developer



The developer of the Worthington Estate (west of Thewlis Road) will be constructing the modified T intersection of Kenneth Road and Thewlis Road in the near future. The new intersection will maintain road priority as per the Cardinia Road Precinct Structure Plan with a local arterial road connection from Thewlis Road (southern approach), to Kenneth Road (western approach). Motorists wanting to continue straight (north) along Thewlis Road will in effect have to make a right hand turn. This can be seen in Figure 7.

There are some services in Mulcahy Road particularly at the intersection with Thewlis Road, see Figure 6. The extent of underground services is being investigated as the owners of these services will require access for maintenance.

Figure 6. Services in Mulcahy Rd at Thewlis Rd

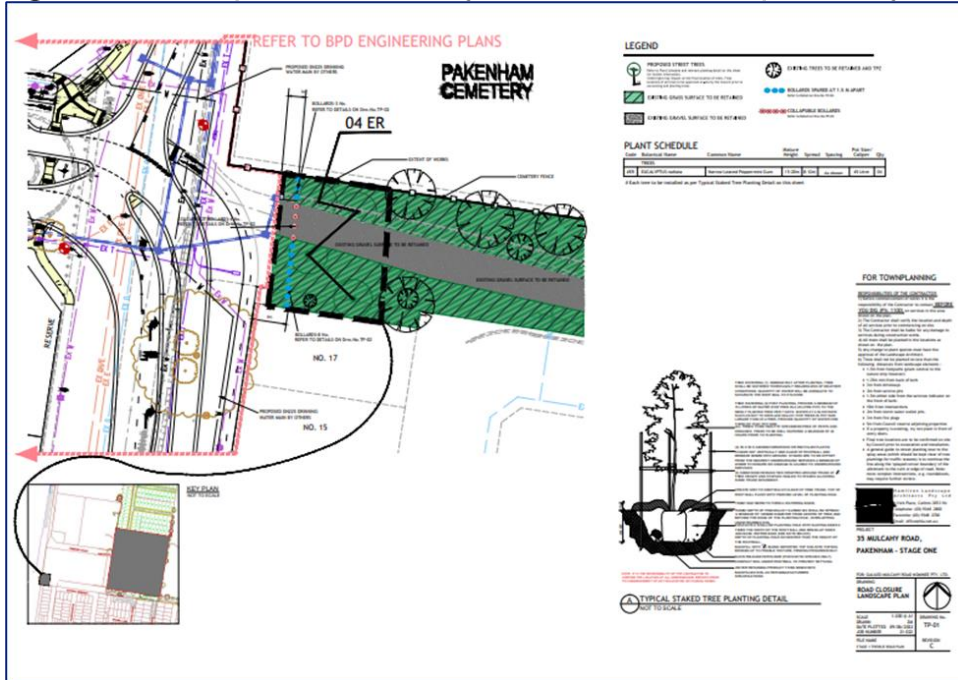


The Cemetery Committee of Management, which is the 'Department of Health and Human Services', has expressed some interest in acquiring or incorporating part of the road reserve adjacent to the cemetery. This will require a discontinuance. If this is deemed feasible and a portion of road is discontinued, the land vests in DELWP not Council. Therefore, DELWP will be dealing with the land transfer. The length of land to be discontinued is assumed to be the length of the Cemetery- believed to be 221.1 m (1100 links) but to be confirmed. The width is yet to be established but would be dependent on

- the slope of the land
- underground services
- existing trees and vegetation, i.e., what can be lost/removed or should be retained?
- amenity of the shared path, i.e., would landscaping be required on either side of shared path?
- stormwater drainage and overland flow and how these would be managed.
- future upgrade of the Kenneth/Thewlis intersection.

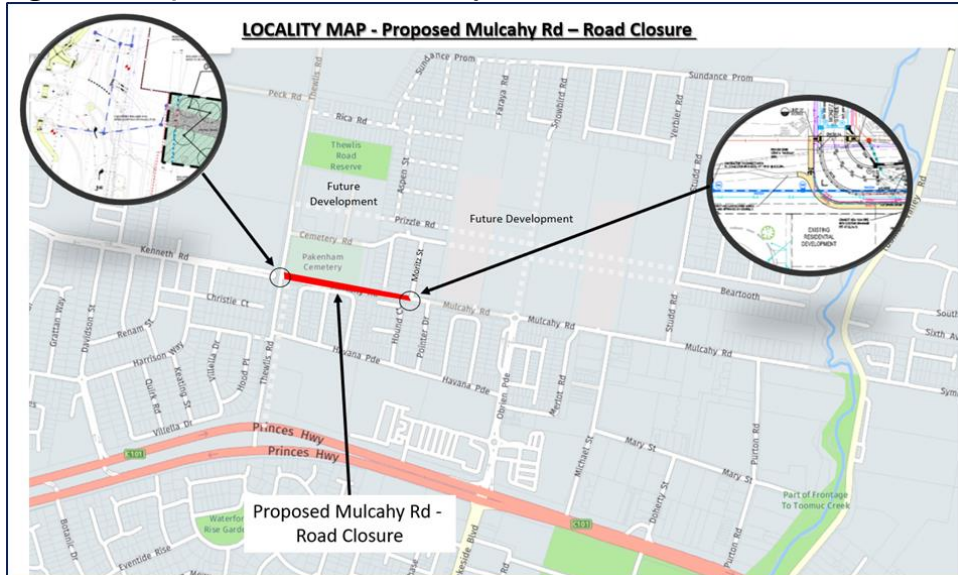
As part of the developer delivered modified T intersection, landscape plans have been approved for landscape treatments east of the intersection within the Mulcahy Road road reserve. If these require further changes or if any other works were going to occur along the discontinued section of Mulcahy Road, it would need to be delivered and funded by Council.

Figure 7. Landscape Plan for Mulcahy Road at Thewlis Road provided by Developer



Further investigation and discussions are required with the DHHS into the exact size of the parcel of land they are seeking to acquire. The use of a licensed surveyor and a title search is also recommended in determining the exact dimensions of the parcel of land (road reserve) to be discontinued.

Figure 8. Proposed closure of Mulcahy Road - Thewlis Road to Moritz Street



It appears that a property on Botham Crescent is using Mulcahy Road for additional vehicle access from the side boundary of their property. A strip of land actually separates this property from Mulcahy Road. A check with Statutory Planning has determined that while a building permit was obtained for the shed at the rear of the property, no approval has been provided

for vehicle access to this property from Mulcahy Road. Consultation will be required with this owner.

As the closure of the western end of Mulcahy Road is a permanent road obstruction, it must be completed in accordance with Clause 9, Schedule 11 of the Local Government Act, 1989 and requires a public notice to be published by Council under sections 207A and 223 of the Act.

The process Council has to take can be summarised in the following steps

1. resolve to commence the statutory procedures in accordance with Clause 9 Schedule 11 of the Local Government Act, 1989, (the Act) to close Mulcahy Road, Pakenham between Thewlis Road and Moritz Street, and
2. resolve to commence the statutory procedures in accordance with Clause 3 of Schedule 10 to the Local Government Act 1989 to discontinue the section of Mulcahy road adjoining the Pakenham Cemetery in order that the Department of Environment Land Water and Planning can include this parcel of crown land under the management of the Pakenham Cemetery Trust.
3. resolve to appoint a committee comprising of the Mayor and Deputy Mayor to hear any submissions, and the Chief Executive Officer be authorised to set the day, time and place for the hearing of such submissions.

Policy Implications

There are no Policy Implications.

Relevance to Council Plan

2.1 We support the creation of liveable spaces and places

2.1.1 Advocate, plan for and deliver accessible community infrastructure and services that address community need.

2.1.2 Plan and maintain safe, inclusive and connected open spaces, places and active travel routes.

2.1 We support the creation of liveable spaces and places

2.1.1 Advocate, plan for and deliver accessible community infrastructure and services that address community need.

2.1.5 Upgrade Council's road network to improve safety and connectivity while considering traffic demand and freight transport needs.

Climate Emergency Consideration

This proposal has no impact on Climate Emergency.

Consultation/Communication

A permanent road obstruction under clause 9, Schedule 11 of the Local Government Act, 1989, requires that under sections 207A and 223 that a person be given the opportunity to make a submission. This requires the issuing of a public notice and a minimum 28 days for submissions to be made following the issuing of the public notice. A person making a submission who wishes, may request to be heard in person at a meeting of Council, in this case a committee comprising the Mayor and Deputy Mayor should be appointed and the Chief

Executive Officer be authorised to set the day, time and place for the hearing of such submissions.

As Mulcahy Road is located on Department of Environment, Land, Water and Planning (DELWP) land, Council will have to liaise/consult with DELWP.

Consultation will be required with some property owners. While the community cannot change the need for the road closure, it can influence the appearance of the physical road closure.

Shortly after the Council meeting it is proposed that letters be sent to residents and other stakeholders advising of the proposed road closure. A 'drop in' session will also be organised at the the Council Civic Centre where residents and stakeholders can ask questions.

Emergency Services will also be contacted and asked for their support for the proposal. Emergency Services will be invited to the 'drop in' session.

The owner of 21 Botham Crescent appears to be using Mulcahy Road for vehicle access to their property. It is believed this was never approved as vehicle access to this property is provided off Botham Crescent, see Figure 9. Consultation will be required with this owner.

Consultation will also be required as part of the discontinuance process. Property owners directly south of the cemetery could have an interest in the discontinuance due to the proximity of their properties to the cemetery. Therefore, consultation with these owners is recommended.

Council's Communications Team has been asked to prepare an Engagement and Communications Plan. A community engagement strategy overview plan is attached to this report.

Financial and Resource Implications

Costs for the closure of western end of Mulcahy Road are outlined in Table 1.

T. Table 1. Thewlis Road to Moritz Street closure

Proposed works	Cost
Construction of physical barriers such as bollards to prevent access to motor vehicles, 40 round, dome top timber bollards 1800 long (to be installed 600mm in ground)	\$8,000
Landscaping including tree planting	\$11,000
Supply and installation of signs	\$1,000
Total cost	\$20,000

Conclusion

The western end of Mulcahy Road up to Moritz Street is not needed for the movement of motor traffic in this area. The existing temporary closure, at the western end of Mulcahy Road, needs to be formalised. To close this section of Mulcahy Road, Council must resolve to do so in accordance with Clause 9 Schedule 11 of the Local Government Act, 1989, (the Act). This will require consultation with DELWP who own the land, property owners and emergency services. As the cemetery would also like to incorporate a part of the adjacent road reserve, Council must resolve to discontinue a section of the road adjacent to the cemetery to facilitate this.

Overview - Engagement strategy & timeline

Each column is a separate stakeholder related action item (read table from top to bottom). Includes Engagement Stages, Phases, Objectives and Proposed Activities

ACTIVITY TYPE	ENGAGE	ENGAGE	ENGAGE	CONSIDER	ENGAGE	ENGAGE / DECIDE	ENGAGE
STAGE	Stage 1 Phase 1: Internal consultation	Stage 1 Phase 2: Internal consultation	Stage 1 Phase 3 Internal consultation		Stage 1: Phase 4: External consultation (public notice period)	Stage 1: Phase 5: Engagement report to Council	Stage 1: Phase 6 – external ‘Close the Loop’ with stakeholders / community (outcome or next steps)
LEVEL OF ENGAGEMENT	Consult	Consult	Consult	Consult	Consult	Inform	Inform
ACTIVITY DATE	May 2022	29 June 2022 and 24 August	5 September 2022 Council Briefing	Council Meeting date is 19 September 2022	Statutory Public notice period TBC if Council approves proposal *Drop in session date: TBC	Council Meeting Date TBC to consider written submissions	TBC
TARGET AUDIENCE	Relevant Council Departments about the project	SLT	Council	Council	Key affected residents / businesses / stakeholder groups General public / local community	SLT & Councillors	Key affected residents / businesses / stakeholder groups General public / local community
ENGAGEMENT PURPOSE	Raise awareness about the proposal Seek input about issues and impacts	<u>Raise awareness about the officers’ proposal to seek formal closure of the western end of Mulcahy Rd and potentially discontinue a small portion near the Pakenham Cemetery. Seek input about issues and impacts</u>	Briefing Raise awareness about the officers’ proposal to seek formal closure of the west end of 2 sections of Mulcahy Rd and potentially discontinue a small portion near the Pakenham Cemetery. Seek input about issues and impacts	Council decision: consider officers’ recommendation to endorse proposal for public exhibition of intention to close the western end of Mulcahy Rd and potentially discontinue a small portion of it.	Information session – provide information about the proposals and how to provide written submissions via <u>Creating Cardinia Have Your say page</u>	Close loop on submissions received	Close the loop
PERSON RESPONSIBLE	Roland Rozario	Roland Rozario	Roland Rozario	Roland Rozario	Roland Rozario	Roland Rozario	Roland Rozario
PROPOSED ENGAGEMENT ACTIVITY	Meeting or workshops as required to explore issues – especially	SLT briefing paper	<u>Briefing</u> Report	Report	Letter to directly affected landowners / occupiers <u>(along Mulcahy & Thewlis Rds and also within a</u>	SLT Report Council Report	Letters to directly affected land owners/occupiers advising of outcome

	With Rates & Property teams				<p>general radius of up to approximately 500m of the intersections of Mulcahy, Thewlis & Kenneth Roads) advising of public notice period and opportunity to /process for how to make written submissions</p> <p>Drop in / information session</p> <p>Creating Cardinia Have Your Say page</p>		<p>Update to Creating Cardinia Have Your Say page</p>
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