

**6.1 Proposed discontinuance and sale of CL1082 Part Dorchester Place Carlton (rear 259 Rathdowne Street)****Report Author:** Kaylene Felton, Senior Property and Leasing Officer**Report Presenter:** Emma Murdoch, Director City Property**Executive Leader:** Rick Kwasek, General Manager Infrastructure and Amenity**Executive Summary**

1. Council is the road authority for, and the landowner of, Dorchester Place, Carlton.
2. Dorchester Place adjoins the land at 259 Rathdowne Street, Carlton
3. The owner of 259 Rathdowne Street, Carlton (the Applicant) has requested that the Council discontinue and sell a small section (1.18m<sup>2</sup>) of Dorchester Place (the Road) to improve their property's access and egress, as indicated by the hatched area shown on Attachment 1 (the Proposal).
4. Management's preliminary assessment of the proposed discontinuance indicates the Road does not meet the principles of retention and may be suitable for discontinuance and sale pursuant to Council's Road and Reserves Discontinuance and Sale Policy 2022 (the Policy).
5. The discontinuance of the Road is not considered to impact on the safe and efficient functioning of the balance of Dorchester Place and Management conducted the statutory procedures to determine if the Road is reasonably required for general public purposes.
6. If a decision is made to discontinue the Road a sale of the land would be based on a market valuation prepared in accordance with the Policy at \$4,500 (plus GST) given it is such a small parcel.
7. Management commenced the statutory procedures under delegation for Council to consider the Proposal. This involved Council giving public notice and considering any submissions received in accordance with the Local Government Act 1989 and undertaking a community engagement process in accordance with the Local Government Act 2020 (Public Notice).
8. No submissions were received following the Public Notice.
9. Management seeks a decision from Council whether the Road is required for public use, surplus to Council's needs, and suitable for discontinuance, as well as whether it should be considered for sale.

**Recommendation from management**

10. That Council resolves to:
  - 10.1. Discontinue part of the road identified CL1082 Dorchester Place Carlton as shown on the plan in Attachment 1 of the report from management and sell the resulting 1.18m<sup>2</sup> of land to the Applicant for \$4500 plus GST
  - 10.2. Authorise management to take all necessary actions and execute all necessary documents to implement the discontinuance and sale referred to in paragraph 10.1 above.

**Purpose**

11. To seek Council approval to discontinue the Road and sell the resulting land as shown on Attachment 1 to the Applicant.

**Background**

12. An application has been received from the owner of 259 Rathdowne Street, Carlton for Council to discontinue and sell the Road, which abuts the land at 259 Rathdowne Street Carlton.
13. The Applicant has expressed an interest to acquire the Road to facilitate the Applicant's access and egress of their property as shown hatched on the plan in Attachment 1.
14. Management commenced the statutory process for the Proposal under delegation.
15. On 29 April 2025, Public Notice of the Proposal was given with submissions closing on 30 May 2025.
16. No submissions were received.

**Key considerations**

17. Management's preliminary assessment of the Proposal is that the Road may not be reasonably required for public purposes, and it is unlikely to be required in the future.
18. The removal of the Road is not considered to impact on the safe and efficient functioning of the balance of Dorchester Place, Carlton.
19. It is proposed that if the Road is discontinued the resulting land will be incorporated into the Applicant's land title at 259 Rathdowne Street.
20. There are no assets located within the Road and no easements are required as a result of the Proposal. However, any rights, powers or interests held by Council or any other public authority in connection with any sewers, drains, pipes, wires or cables in or near the Road will be preserved.
21. If the discontinuance proceeds the sale of the Road is based on a market valuation prepared in accordance with the Policy. The assessed valuation is \$4,500 plus GST.
22. The Proposal does not affect public use or statutory infrastructure; it is considered to be a good outcome for the community.

**Legal**

23. Pursuant to sections 206(1) and 223 and clause 3 of Schedule 10 of the *Local Government Act 1989* and section 114 of the *Local Government Act 2020*, Council must give public notice and consider any submissions in accordance with S223 of the *Local Government Act 1989* and carry out community consultation in accordance with Council's Community Engagement Policy that it proposes to discontinue and sell the Road.
24. The Proposal is on the basis the Road is no longer reasonably required for general public use.
25. Dorchester Place is a Council Road and is listed on Council's Public Road Register pursuant to the *Road Management Act 2004*. If Council approves the discontinuance, the Road will be removed from the Council's Public Road Register in accordance with Section 17(4) of the *Road Management Act 2004*.

**Finance**

26. The Applicant has agreed to purchase the land for \$4500 plus GST and will pay all costs associated with the discontinuance and sale of the land in line with Council's market valuation and the Policy.

**Conflict of interest**

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

**Charter of Human Rights and Responsibilities**

28. The recommendation contained in this report is compatible with the *Charter of Human Rights and Responsibilities 2006* as it does not raise any human rights issues.

**Health and Safety**

29. In developing this Proposal, no Occupational Health and Safety issues or opportunities have been identified.

**Consultation**

30. Both an internal and external referral process in relation to the road discontinuance and sale has occurred and no concerns have been raised.
31. Statutory and community consultation in relation to the Proposal has been carried out in accordance with section 223 of the *Local Government Act 1989* and section 114 of the *Local Government Act 2020* and Council's Community Engagement Policy.

**Relevance to Council Plan and Council Policies**

32. The Proposal has been considered in accordance with the Policy.

**Social and environmental impacts**

33. There are no Social and environmental impacts.

**Gender Impact Assessment**

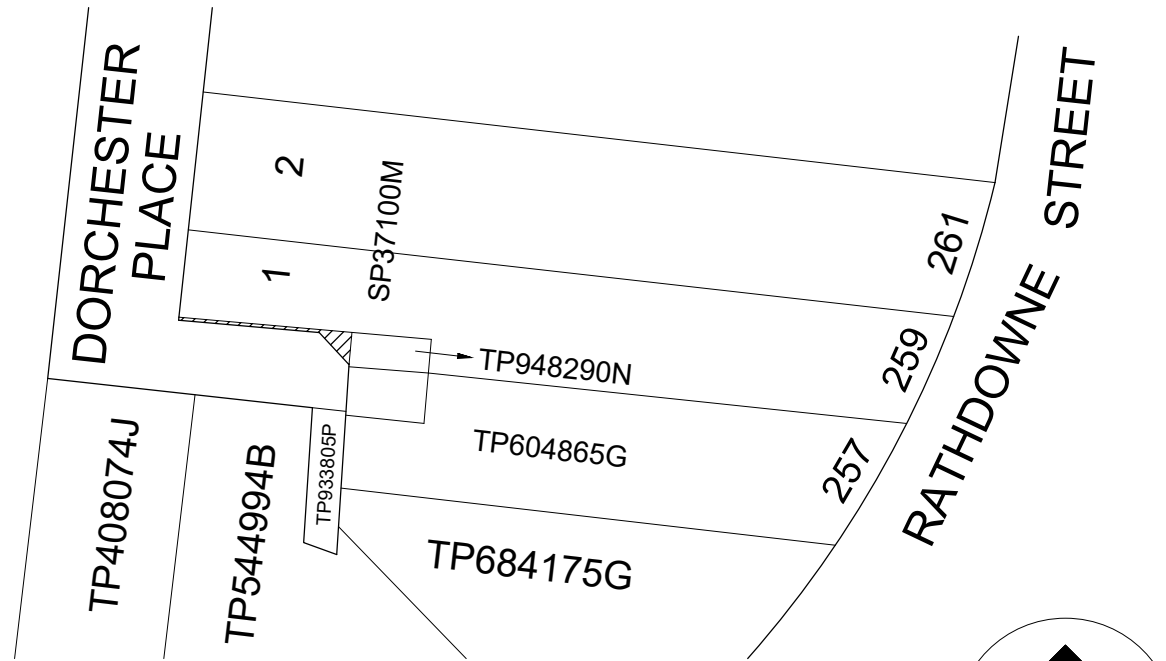
34. There is no gender impact associated with the Proposal.

**Environmental impacts**

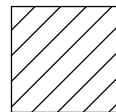
35. No environmental sustainability issues or opportunities have been identified with the Proposal.

**Attachment List**

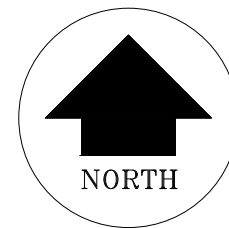
1. Plan for proposed discontinuance part of Dorchester Place Carlton [6.1.1 - 1 page]



Land subject to Discontinuance and Sale



Unlimited in height and depth  
Approximate area 1m<sup>2</sup>



Not to Scale