

## 6.1.3 Road Discontinuance - Railway Avenue, Avonsleigh/ Cockatoo

**Responsible GM:** Debbie Tyson  
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### Recommendation(s)

That Council, acting under clause 3 of schedule 10 of the Local Government Act 1989 (Vic) (Act):

- a) resolves that the statutory procedures be commenced to discontinue road known as Railway Avenue Avonsleigh (Road) and being road on LP72623;
- b) directs that, under sections 207A and 223 of the Act, public notice of the proposed discontinuance be given in the Pakenham Gazette newspaper;
- c) resolves that the public notice required to be given under sections 207A and 223 of the Act should state that if the Road is discontinued, Council proposes to transfer the Road to the Department of Environment Water Land and Planning (DELWP) for land conservation management along with adjoining parcels owned and managed by DELWP; and
- d) authorises Council's Property Officer to undertake the administrative procedures necessary to enable Council to carry out its functions under section 223 of the Act in relation to this matter.

### Attachments

1. Railway Parade Avonsleigh Locality Plan [6.1.3.1 - 1 page]

### Executive Summary

This report recommends that Council, acting under clause 3 of schedule 10 and also in accordance with sections 207A and 223 of the Act, commence the statutory procedures to discontinue Railway Avenue Avonsleigh, shown hatched on the attached plan.

### Background

Railway Avenue is bounded by Wrights Forest and is a 'paper road' being a road designated on plan but having never been constructed. The road was created on Lodged Plan 7623 in 1919 and is not required to be constructed for access now or in the future and is heavily vegetated.

Council has been approached by DELWP to have the land transferred to them for management. DELWP owns and manages the surrounding land parcels and in accordance with survey carried out in 2019 it is recommended that the land be reserved for inclusion in the Yellingbo Conservation Area.

### Policy Implications

The proposed discontinuance aligns with Council's Road Discontinuance Policy 2021.

### Relevance to Council Plan

#### 3.1 We value our natural assets and support our biodiversity to thrive

3.1.3 Work with community to improve and manage our natural assets, biodiversity and cultural heritage.

### **Climate Emergency Consideration**

Not applicable.

### **Consultation/Communication**

Council departments and Service Authorities have been consulted concerning the existence of any assets and requirements with regards to easements. There are presently no services in the road reserve and no objections or requirements have been received.

Council is required to carry out the statutory procedures in relation to the proposal to discontinue and transfer the unused road under the Act, including giving public notice of the intention to discontinue and transfer the roads, and hear any submissions received in this regard

### **Financial and Resource Implications**

If the Road is discontinued and transferred to DELWP, Council will no longer carry any financial obligations or risks associated with the maintenance of this area.

### **Conclusion**

As the proposal to discontinue the Road has no detrimental effect in relation to access requirements within this area, the subject road is considered to be suitable for discontinuance and transfer.

Railway Avenue Avonsleigh

