

## Road Discontinuance and Sale Policy 2020

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### **Preamble**

From time to time Council receives a request, or may initiate a proposal itself, to discontinue a road that may not be required for general public use in order for the land in the road to be used for a better purpose.

Council has powers to discontinue a road under the Local Government Act 1989 and may sell the land in the road.

### **Policy objective**

The aim of this policy is to provide a decision making framework to ensure that there is consistency, transparency and fairness in the approach to road discontinuance and the sale of land from roads

### **Policy statement**

- **Consistency**

Council must determine that a road to be discontinued is not required for general public use which may require the input of stakeholders. The sale of land from a discontinued road will be at market value as determined by an independent valuer appointed by Council. A purchaser will be required to pay the costs, or a share of the costs if there is more than one buyer, that are associated with the road discontinuance and sale of the land.

- **Transparency**

Council will engage with the community about any road discontinuance proposal as required under the Local Government Act 1989 but will also notify all property owners that may be affected by the proposal.

- **Fairness**

Land from a discontinued road would normally be sold to the owner of an adjoining property. All owners of adjoining properties will be given an equal opportunity to purchase land adjoining their property having regard to a logical and equitable outcome.

### **Additional documents**

- Guidelines for Road Discontinuance and Sale as amended from time to time.

**Reference to other documents**

- Local Government Act 1989
- Road Management Act 2004
- Bass Coast Shire Council Property Strategy 2016
- Bass Coast Shire Council Asset Management Policy Infrastructure Assets 2017-2021
- Bass Coast Shire Council Road Asset Management Plan 2019-2023

**Review process**

- Policy to be reviewed in 4 years.
- Policy will not be revoked without being replaced by other policies unless the need for a policy is no longer required.

**Accountability process**

The following officers are responsible for the adherence and application of the policy:

- Manager Governance and Property
- Coordinator Property and Facilities
- Property Officer

**Approval**

Version number	Approved/adopted by	Date
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Adopted by Council at its meeting held on	Date ...../...../.....
Signed by the Mayor Brett Tessari.....	
.....	Date ...../...../.....

# Road Discontinuance and Sale of Non-Government Land from the Roads

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## Preamble

Council is periodically asked to consider discontinuing unused road reserves in accordance with the community service needs and the duty of Council under the Roads Services Asset Management Plan 2014 and Asset Management Policy 2012. Council may determine that the road is not required for use by the public. This determination then enables the road to be removed from the Road register and allows an abutting property owner to acquire the land from an unused road reserve that abuts their property.

## Policy objectives

This Policy:

- will ensure statutory compliance of a Road Discontinuance and Sale of Non-Government Land from the Roads; and
- provides for the equal distribution of costs to affected parties and recovery of those costs by Council

## Policy statement

### **Ensure statutory compliance of a Road Discontinuance and Sale of Non-Government Land from the Roads**

In considering road discontinuance requests Council must first determine that the road reserve in question is not required for public traffic (which is not limited to vehicular traffic) and make sure the whole of the reserve could be disposed of without leaving land locked parts of the reserve or “dead ends”. The proposed discontinuance and sale of road reserves is subject to a statutory process in accordance with Section 206, 223 and Schedule 10 of the Local Government Act 1989. The Road Management Act 2004 also provides powers to Council.

### **Provides for the equal distribution of costs to affected parties and recovery of those costs by Council**

The statutory process can be costly to Council in that surveyed plans and Title Plans can be required for Public Notice, Gazettal Notice and Transfer of Land. Other associated costs are Legal fees, Valuation fees, placement of public notices and Council resources. Given that each scenario will be different and may include more or less affected parties, a standard fee structure, may not cover Council's costs.

Council Officers will determine fee estimates for each scenario and apply equally to affected parties. Half the amount will be invoiced upon Council's resolution to commence statutory procedures and the other half will be invoiced at the successful completion of the statutory process. The first half of the fee is not refundable if the statutory process is not successful. Affected parties will also be required to pay the valuation of the land from the road and their own associated costs to transfer the land and consolidate to their title.

**Additional documents**

There are no additional documents

**Reference to other documents**

Council Services Pricing Policy

Local Government Act 1989

Road Management Act 2004

BCSC Asset Management Policy 2012

BCSC Roads Services Asset Management Plan 2014

**Review process**

This Policy is to be reviewed in four years or as required through the review of the Road Management Plan.


**Accountability process**

The Director of Infrastructure will be responsible for the adherence to this policy.

**Approval**

Adopted by Council at its meeting held on Wednesday, 16 July 2014.

Signed by the Mayor, Cr Neil Rankine



..... Date 22/07/2014