

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

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