

# 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

Adopted by Council at its meeting held on	Date 19/02/2020.
	
Signed by the Mayor Brett Tessari	