

## Road Discontinuance and Sale - Guidelines

### Can I buy a road?

From time to time Council is asked if the land in a road can be purchased. In certain circumstances this is possible. A road must first be discontinued and then land in the road can be sold.

Removal of the road status (discontinuance) and sale of the land from the road allows a purchaser to use the land for their own private use.

### Why would Council allow road discontinuance and sale?

Council may support road discontinuance and sale of a land from a road for reasons including the following:

- It is considered that the road is not reasonably required for general public use
- The road is not required for access to other properties
- It is considered that the road or the land in the road has no strategic value for Council
- It may result in local amenity improvements through the better use of the land
- It may alleviate local safety and security concerns
- Council would be compensated for the loss of land
- Council would reduce its risk and maintenance burden

### What's involved?

Under the *Local Government Act*, Council has the power to discontinue a road and to sell the land from a road. The Act contains procedures and a decision making process that must be followed before a road discontinuance and sale proposal can be finalised.

The legislation requires Council to consult with the community before making a final decision. Any person can make a submission in relation to a proposal and have the right to be heard in support of their submission.

### What are the steps?

1. **Initial assessment** - Council's property team will assess a proposal from a proposed purchaser. The initial assessment will consider:
  - Relevant information to assess whether the proposal is feasible
  - Whether the road reasonably required for public access
  - Whether the proposal in the community's best interest's
  - Whether the land be put to a more appropriate use

As part of the initial assessment the property team will seek the views of adjoining property owners.

2. **Stakeholder commitment** - Council's lawyer will set out the statutory process, provide a cost plan and seek a deposit to ensure that there is a commitment by the proponent to follow through on the proposal and to cover Council's costs.
3. **First Council Decision** – to commence the statutory procedures for road discontinuance and sale.
4. **Documentation** – While the statutory procedures are underway, Council's lawyers will:
  - Obtain a valuation
  - Organise survey plans
  - Seek comment from utility providers to assess whether any easements are required
  - Prepare advertising material
  - Prepare documents for transfer purposes
5. **Council Approval** – Council must resolve to approve road discontinuance and sale. Before making this decision Council will:
  - Publish a notice in a local newspaper and on its website inviting submissions from interested persons.
  - Hold a hearing for any submitters who wish to be heard in support of their submission
  - Consider the submissions received

### **How much will it cost?**

Council will require fair value for the land. There are also costs associated with road discontinuance and sale that the purchaser will be required to pay.

Fair value for the land will be determined by Council's valuer based on the value of land in the area and under the same planning zone. Council will not negotiate the price unless there is an exceptional circumstance.

The cost associated with road discontinuance and sale will be estimated by Council's lawyer and included in the cost plan. The applicant will be required to pay a non-refundable deposit on the cost plan. The proponent is responsible for all costs.

### **How long will it take?**

Council will combine proposals into a single annual process. The following is a guide to the annual process timeline:

- Months 1 and 2      Initial assessment
- Month 3              Stakeholder commitment
- Month 4              First Council Decision
- Month 5, 6 and 7    Documentation and Council approval

**At what point will a proposal fail to progress?**

- The applicant does not confirm interest
- As a result of writing to adjoining owners it is assessed that the road should not be discontinued
- The applicant does not pay the deposit in the cost plan
- Council decides not to approve the proposal

**For further information, please contact our Property Team:**

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