

COUNCIL POLICY

Council Policy Title:	Closure of Unused Government Roads, Licencing of an Unused Road or Water Frontage
Council Policy ref. no:	13.1
Responsible Department:	Infrastructure and Services
Date of adoption/review:	23 October 2013

1. INTRODUCTION

This policy applies a procedure for the closure of unused roads and the granting of licences for unused roads and water frontages.

2. OBJECTIVES

The objective of this policy is to provide a framework in relation to the process to be undertaken when considering applications for the closure of unused roads and the granting of licences for unused roads and water frontages.

3. CRITERIA AND GUIDELINES

- Upon receipt of notification from the Government Department administering the *Land Act* 1958 (sections 349 and 400) for Council consent to the declaration of a road as unused or to licence an unused road or water frontage, the General Manager Infrastructure and Services is to ascertain whether the road or water frontage is required for traffic or access or any other legitimate purpose and refer the matter to Executive for consideration.
- If the road or water frontage is considered not to be required then the appropriate form shall be signed by the Chief Executive Officer on behalf of Council and returned to the Department.
- Whenever consent is granted to close an unused road or to licence an unused road or water frontage, the General Manager Infrastructure and Services shall notify the Manager – Finance and Customer Services to enable updating of rate records.

Discontinuance of roads used for access

(Schedule 10 Clause 3, *Local Government Act* 1989)

- Where a ratepayer requests a road or part of a road to be discontinued and/or in the opinion of the General Manager Infrastructure and Services a road is not required for traffic or public use, the General Manager Infrastructure and Services under delegation may proceed to discontinue the road by a notice published in a local newspaper and notifying abutting landowners that submissions can be made to the proposal.

- If no submissions or objections have been received and it appears to be an agreement for the closure the General Manager Infrastructure and Services will refer the proposal to the Executive for consideration. The General Manager may proceed to have the road or part of the road closed .
- If submissions are received concerning the discontinuance, these will be considered by Council in accordance with section 223 of the *Local Government Act* 1989 and a final decision shall be made by Council following preparation of a report by the General Manager Infrastructure and Services.
- Where the road to be discontinued is determined to not be required for public use, will not adversely impact on service delivery, and has the endorsement of Council where necessary, the discontinuance may be confirmed via a notice published in the Victoria Government Gazette.

Matters to be taken into account

As a general principal, road reserves should be retained for the intended purpose, this is regardless of whether a particular reserve is currently used or not.

Over time the requirements for use of a road reserve will change, some reserves remain as being unutilised, whilst others may become a very important part of Council's road network. In time, unused or unconstructed road reserves could very well be required and it is particularly important to thoroughly consider any application to licence or to discontinue a road. This is particularly pertinent when considering the provision of access to individual parcels of land.

Matters to be taken into account by the General Manager Infrastructure and Services when ascertaining the usage of roads and/or water frontage are:

- Number of properties abutting the road or using the water frontage;
- Whether the road is required for drainage, infrastructure works or for the servicing of properties;
- Cost of maintaining the unused road under existing conditions;
- Properties obtaining access and alternative access points along the road or water frontage; and
- Requirements of property owner(s) abutting or using the road or water frontage if any.

Further consultation may be undertaken with other relevant Council units such as Planning, Environment or Recreation to determine that the proposal is of community benefit, is in accordance with Council planning controls, does not impact adversely on environmental values and that the portion of road is not reasonably required for any other Council purpose.

Re-opening of licensed unused roads or water frontage

Council may in accordance with section 407(1) of the *Land Act* 1958 instruct the Department to cancel or amend a licence issued in respect of any unused road should it consider it desirable in the public's interest.

Such instruction should be in writing and specify the extent of any amendment or cancellation of a licence.

In the incidence that licence has been cancelled, the road to which that licence related shall cease to be unused and reverts back to the management of Council.

4. IMPLEMENTATION AND REVIEW

This policy will be implemented by Infrastructure and Service Department Staff and is subject to a periodic review.

5. RELATED LEGISLATION

- *Land Act 1958*
- *Local Government Act 1989*

ADOPTED/AMENDMENT OF POLICY

Policy Review Date	Reason for Amendment
26 July 1996	Adopted by Council
24 May 2006	Review
28 April 2010	Review
23 October 2013	Review