

# Road and Reserve Discontinuance and Sale Policy



## Document Information

|                     |                                                                                           |
|---------------------|-------------------------------------------------------------------------------------------|
| Type                | Council Policy                                                                            |
| Mayor               | (Governance to insert signature and name post adoption)                                   |
| Date Adopted        | Council Meeting date month year<br>(Governance to complete date month year post adoption) |
| Responsible Officer | Manager Major Projects and Property                                                       |
| Review Period       | At least once every 4 years                                                               |
| Version Number      | X                                                                                         |

## Gender Impact Assessment (GIA) Statement

In accordance with the *Gender Equality Act 2020*, a Gender Impact Assessment (GIA) has been undertaken when developing this policy.

## Definitions

| Term                  | Definition                                                                                                                                                                                                                                                                                                                                                                                                                         |
|-----------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Act</b>            | means the <i>Local Government Act 1989</i>                                                                                                                                                                                                                                                                                                                                                                                         |
| <b>Council</b>        | means Bass Coast Shire Council, being a body corporate constituted as a municipal Council under the <i>Local Government Act 1989</i>                                                                                                                                                                                                                                                                                               |
| <b>Crown land</b>     | means lands reserved and/or administered under the <i>Crown Land (Reserves) Act 1978</i> , <i>Land Act 1958</i> , and <i>Forests Act 1958</i> forming the Crown Estate in Victoria                                                                                                                                                                                                                                                 |
| <b>Discontinuance</b> | means the exercise of power under Clause 3 of Schedule 10 of the Act in relation to a Road which is effected by a notice published in the Government Gazette and/or the removal of reserve status in relation to a Reserve under section 24A of the Subdivision Act 1988.                                                                                                                                                          |
| <b>Market Value</b>   | means the value of the land as determined by a qualified valuer appointed by Council, based on, but not limited to the following methodology and criteria: <ul style="list-style-type: none"><li>• The land area and dimensions.</li><li>• The highest and best potential use of the land.</li><li>• Increase in value to any abutting property as a result of the transfer of the land as a before and after valuation.</li></ul> |

|                |                                                                                                                                                                                                                                                                                                                                                                          |
|----------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                | <ul style="list-style-type: none"><li>• The potential for, or the enhancement of, an abutting property for redevelopment as a result of the transfer of land.</li><li>• The additional costs to be applied as the result of any easements, encumbrances or other assets being retained on the land as a requirement of Council or other statutory authorities.</li></ul> |
| <b>Reserve</b> | means a drainage reserve or revenge strip set aside as a reserve on a plan of subdivision. It does not include reserves for recreation or open space purposes.                                                                                                                                                                                                           |
| <b>Road</b>    | means a road as defined in the Act.                                                                                                                                                                                                                                                                                                                                      |

## Purpose

This Policy aims to ensure that Council:

1. Applies a consistent, fair, and transparent process to the discontinuance and sale of roads and reserves.
2. Meets all legislative and best practice requirements when managing these transactions.
3. Makes strategic decisions that support the long-term interests of the community in relation to roads and reserves.

## Scope

This Policy applies to roads and reserves located within Bass Coast Shire. This Policy does not apply to any other Council land held in freehold title or vested in Council. This Policy does not apply where a road or reserve is located on Crown land.

## Objectives

This Policy outlines the guiding principles for the discontinuance and subsequent sale of roads and reserves that are no longer reasonably required for public use. It provides a framework to ensure that all proposals are assessed in a consistent, transparent, and financially responsible manner.

Council will only proceed with discontinuance proposals where a financially viable outcome can be demonstrated. Proposals that do not meet this requirement will not be pursued.

In support of improved land utilisation, enhanced public safety, and increased personal security, Council endorses the discontinuance and sale of roads and reserves that no longer serve a public function.

## Statement

Council must determine that a road or reserve to be discontinued is not required for general public use which may require the input of stakeholders. Council is supportive of the discontinuance of roads and reserves and the sale of the land if the land is not required for the following purposes:

- access;

- drainage;
- forming part of the assets of any Statutory authority such as Melbourne Water, Westernport Water, South Gippsland Water, Telstra, Ausnet among others;
- road to be constructed and maintained by Council;
- strategic value to Council either now or potentially in the future; or
- generally required for municipal purposes.

In addition, Council will not proceed with the discontinuance of a road or reserve that will create any land locked land. If roads or reserves are not required for the above reasons, the discontinuance and sale will be considered in accordance with this Policy.

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

Unless discontinued roads or reserves are to be retained by Council, land from a discontinued road or reserve would normally be offered for sale to the owner of an adjoining property. Where practical, Council will offer the road or reserve equally to abutting owners, except where there are services within the road or reserve that affect a boundary location.

The sale of land from a discontinued road or reserve 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 discontinuance and sale.

In addition, any road or reserve discontinuance application will be subject to a fee, which will be published annually in Council's Fees and Charges. The 2025/26 fee on adoption of this policy is \$1,650.00 inclusive of GST. This is payable on application and will be non-refundable. However, if the matter proceeds to a sale, the application fee will be credited towards the total sale price.

### **Related Legislation, Associated Information and Resources**

#### Legislation

There is no legislative obligation.

#### Associated Information

- Bass Coast Shire Council Property Strategy 2025-2029
- Guidelines for Road Discontinuance and Sale

#### Resources

- *Local Government Act 1989*
- *Local Government Act 2020*
- *Road Management Act 2004*
- *Subdivision Act 1988*

- *Sale of Land Act 1962*
- Local Government Best Practice Guideline for Sale, Exchange & Transfer of Land 2009
- Bass Coast Shire Council Fees and Charges 2025/2026

**Revision History**

| Date | Version | Revision Description | Administered |
|------|---------|----------------------|--------------|
|      |         |                      |              |