
POLICY TITLE DISCONTINUANCE AND DISPOSAL OF ROADS

POLICY NUMBER CPOL/CORP242

1. PURPOSE

The purpose of this policy is to define the criteria and requirements under which roads are discontinued and sold under the Local Government Act 1989 within the Swan Hill Municipality.

Council seeks to provide a consistent and efficient process for the discontinuance and/or sale of roads within its Municipality; including provision to return crown land to the Crown

2. SCOPE

This policy applies to the discontinuance and sale of all Council owned and managed roads.

3. POLICY

Council has the power to discontinue a road within its municipality. All actions must be lawfully and properly carried out with a special focus on public consultation and the impartial consideration by Council of any submissions received.

It is the policy of the Council that:

- A road should not be discontinued without assessing:
 - if that action results in an outcome contrary to the interests of the general public
 - the requirements of the emergency service providers and statutory service authorities
 - the effects on Council infrastructure and services and other essential infrastructure services
 - the effects on abutting properties and buildings and their owners and occupiers
 - the effects on future use
 - the historic significance of the road
- Roads should only be closed under the provisions of the *Planning and Environment Act 1987* when the closure is associated with an overall redevelopment or rezoning of land.

The sale of the land resulting from the discontinuance of a road must undergo a public notification process under the *Local Government Act 1989*, but is not open to submissions. If it is intended to sell a road that is proposed to be discontinued, this intention must be identified in the notice proposing the discontinuance.

If the road being discontinued is Crown land, it is to be returned to the Crown.

4. RELATED POLICIES/PROCEDURES/DOCUMENTS

PRO/CORP242 Discontinuance and Disposal of Roads Procedure
Local Government Best Practice Guidelines for the Sale and Exchange of Land
CPOL/GOV025 Community Engagement Policy

5. RELATED LEGISLATION

Local Government Act 2020
Local Government Act 1989
Road Management Act 2004
Planning and Environment Act 1987
Subdivision Act 1988
Limitations of Actions Act 1958
Transfer of Land Act 1958

6. DOCUMENT HISTORY

Version Number	Issue Date	Description of Change
1.0	June 2019	Initial Release
2.0	June 2020	Review
2.1	July 2021	Review

Signed: **Bill Moar** _____

Mayor

Date: **26/07/2021** _____