

Closure and Disposal or Licensing of Unused Roads on Crown Land by the Department of Sustainability and Environment (DSE)

Policy No. 4.1

PURPOSE	To specify Council requirements prior to the Shire consenting to the proposed closure and disposal or licensing of Crown Land contained in road reserves by DSE.
OBJECTIVES	• To ensure future traffic and access requirements are preserved for a local area where considered necessary by the Shire. • To ensure Crown Land is not sold or licensed to others when required for Shire purposes or Public Open Space. • To ensure appropriate consultation is undertaken with the related "community of interest". • To ensure compliance of proposals with the Shire Sustainability Framework and Access and Equity Policy.
SCOPE	• This policy applies to the closure of unused roads on Crown Land by DSE. • DSE requires Shire consent, in writing, prior to proceeding with any proposal to close roads on Crown Land, in accordance with the provisions of the Land Act 1958.
DEFINITIONS	Unused Road – Road laid out on Crown Land which is not constructed and not used for the purposes of vehicular or pedestrian traffic by the general public. Crown Land – Land which is, or is deemed to be, un-alienated land of the crown, including "Government Roads" set out to provide access to original Crown Allotments. DSE – Department of Sustainability and Environment

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POLICY	1. That all proposals for closure of unused roads on Crown Land, submitted for Council consent, comply with the procedures contained in this policy. 2. That Council retains the right to refuse to consent to the closure of a road or part of a road on Crown Land where it considers that such road should be retained for access or other public purposes. 3. That, on request from DSE, Shire engineering officers provide preliminary technical advice on whether they think that the proposal should proceed. This advice is supportive only and will not pre-empt Council's final decision which will encompass consideration of broader community factors. 4. Any concurrence by Council to road closure does not pre-empt the consideration of the relevant planning scheme. 5. Consolidation of the road title with the purchaser's title is recommended in rural areas (or like zones) where Council seeks to implement the objectives of the Mornington Peninsula Planning Scheme.
BACKGROUND	The closure of roads on Crown Land is generally initiated by owners of adjacent land who wish to purchase or license all or part of the land contained in a road, adjacent to their property, from DSE. Generally this land has historically been fenced in and used in conjunction with the applicant's property for many years. As part of the road closure process DSE is required to consult with all the adjoining owners and obtain their formal consent and that of Council. This consultation process should incorporate a notice in a newspaper locally circulating in the area of interest or the Shire newspaper. A Land Use Planning assessment and Survey Report is undertaken by specialist DSE Officers - 1. A Land Use Planner investigates and documents the public land values of the property. Public land values include environmental, historic, community & cultural values associated with the site. As part of the investigations the Land Use Planner may consult with Council Officers, Parks Victoria and others. The report may recommend retention of the land in public ownership or disposal to the applicant or others. The Land Victoria Manager reviews the recommendations of this report.

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BACKGROUND (CONT'D)	2. Provided the land is declared “surplus”, a Licensed Surveyor prepares a Survey Report. This report ensures the land is correctly identified, provides a basic feature plan of the area and deals with issues of current usage, method & manner of disposal, zoning, special conditions and the need for any easements or survey. Consultation with Council, service authorities and others is undertaken where appropriate. A Senior Surveyor within DSE reviews this report. Crown Land that is zoned for Public Purposes under any Municipal Planning Scheme must be appropriately rezoned prior to a sale proceeding. All Crown Land is affected by Native Title legislation and extinguishment of Native Title is required before any Crown Land may be sold. Any rezoning requirement or Native Title consideration is the responsibility of DSE. The development of any road so closed is subject to the relevant planning scheme.
PROCEDURE	DSE to supply to the Shire a copy of the Land Use Planning Assessment and Survey Report undertaken by DSE officers. Assessment of the proposal by Shire officers to determine if: (a) The road is necessary to: • Provide for future vehicle, pedestrian, bicycle, equestrian or emergency access. • Provide for provision and maintenance of existing or future Shire assets. • Determine if the land is required for a public (including public open space) or Shire purpose. (b) Appropriate consultation has been undertaken with the "community of interest". This will usually entail letters to neighbours, a public notice in a local newspaper circulating in the area effected and direct communication with any ‘known’ interest groups. On request, Shire officers to provide DSE with contact details for any such groups.

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PROCEDURE (Cont'd)	Easements must be provided over the alignment of any existing or future assets of the Shire where deemed necessary by the Shire. The Shire shall provide to DSE a diagram showing any such easement required by the Shire. Shire Officers will prepare a report for Council or Council's delegated officer outlining the proposal and providing recommendations.
RESPONSIBILITY	Manager – Infrastructure Project Management – for ensuring that the policy and procedures are implemented. Senior Traffic Engineer – to coordinate initial assessment of the proposal and to liaise with personnel from other departments.
RELATED POLICIES	Policy 1.10 – Discontinuance and Disposal of Roads (by the Shire) under the provisions of the Local Government Act, 1989. Access and Equity Policy.
RELATED LEGISLATION	The Land Act 1958.
REFERENCES	Council File 710/020
REVIEW	This policy shall take effect for three(3) years from the date of Council adoption and shall be reviewed no later than 1 March 2006. Note: This Policy was adopted on the 3 February 2002 at the Forward Planning Committee Meeting.