

Asset management

Information bulletin



Application to license or purchase a government road

Information for applicants requesting to license an unused government road

Council has care and control of all government roads. A hierarchy is adopted by Council under the *Road Management Act 2004* and this determines the level of service provided for maintenance. A government road does not become an unused road until Council consents it is not required for public use.

Council is required to give preliminary advice to Department of Environment Land Water and Planning (DELWP) that it supports an application to license or purchase Crown land before the applicant lodges their request.

The applicant intending to license an unused road must have property that abuts the road and have consideration of access for any adjoining owners.

Application to license a government road

Council is required to certify under Section 400 of the *Land Act 1958* that the road is not required for general public use. Under the terms and conditions of the license, the road is closed to traffic and can no longer be used for access purposes. Historically, licenses were issued for the purposes of grazing or agriculture.

Once a government road is licensed it becomes an unused road and is closed to traffic. A license can be cancelled giving the applicant 3 months' notice in writing.

The administration fee for processing an unused road application effective 1 July 2017 is as follows:

- Application to License basic - \$50
- Request for a License transfer - \$100

This fee will be payable to Mount Alexander Shire Council when advice is received from DELWP, that the application is successful and prior to signing Schedule 4 Notice of a municipal council under section 400, that a road is unused.

If you require further information, planning zones and overlays relevant to your property can be found at www.land.vic.gov.au under planning maps online, and the Land Act also provides a reference to licensing or purchasing crown land at www.legislation.vic.gov.au.

If you require further information, Council's Asset Management Coordinator, can be contacted on 03 5471 1700 and Senior Property Officer – Land Planning and Approvals, Department of Environment Land Water and Planning, Loddon Mallee can be contacted on 03 5430 4604.

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Application to purchase a government road

Section 349 of the Land Act is specific to the closure of unused roads and the process is led by Department of Environment Land Water and Planning (DELWP). Council is required to give its concurrence in writing once ministerial approval has been given for the application to proceed. Once an order is made to close a road under Section 349 of the Land Act, it ceases to form a road and reverts to Crown land. The land is then available for sale or transfer and a formal process follows in the event the land is offered for sale.

Council manages a number of road license applications and comments on a number of acquisition requests each year. Council's consideration involves a significant amount of investigation work, stakeholder liaison, a site visit, and consideration of matters such as:

- Heritage overlay
- Bushfire management
- Environment
- Amenity
- Future development and planning zones

The applicant is required to obtain the following:

- A site plan prepared by a qualified surveyor indicating the required license or purchase area delineating the area of interest
- Written comment from adjoining owners on the request

An application to purchase Crown land should be forwarded to DELWP with a letter of support from Council.

The administration fee for purchasing an unused road application effective 1 July 2017 is as follows:

- Application to Purchase an unused road - \$100

Please also be aware that DELWP will not consider an application unless it is first supported by Council.

If you require further information, planning zones and overlays relevant to your property can be found at www.land.vic.gov.au under planning maps online, and the Land Act also provides a reference to licensing or purchasing crown land at www.legislation.vic.gov.au.

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