

## Request for discontinuance and sale of unused road

The Applicant requests that Gannawarra Shire Council (**Council**) consider exercising its power to:

- discontinue; and/or
- sell to the Applicant,

the road described below.

APPLICANT DETAILS			
Full name of applicant			
Address of applicant			
Postal address (if different to above)			
Contact person			
Email			
Mobile no.		Phone (business hours)	
APPLICATION DETAILS			
Road requested to be discontinued and sold	<p>(insert description of the road you are seeking be discontinued, including the length of the road and distance to connecting roads)</p>		
Supporting information	<p>The following is required to be attached and submitted with this application:</p> <ul style="list-style-type: none"> <li>• plan of the road proposed to be discontinued (and where only part of the road is proposed to be dealt with, measurements showing that part)</li> <li>• title searches and plans of land abutting the road and contact details (if known) for the owner of each parcel</li> <li>• evidence of correspondence with other owners of land adjoining the relevant section of road in relation to the requested discontinuation</li> <li>• particulars of utilities or infrastructure on, in or adjoining the road</li> <li>• details relating to the current use of the road (including any licences, such as grazing licences, which apply in relation to the road)</li> <li>• reasons for the request for the discontinuance of the road</li> <li>• reasons for the request for the Applicant to acquire the road (if applicable)</li> <li>• if the road proposed to be discontinued is on Crown land, approval in principle or consent from the Department of Energy, Environment and Climate Action</li> </ul>		

### **Applicant acknowledgements**

The Applicant acknowledges and agrees that:

1. In assessing the application, Council must comply with legislative requirements and any relevant Council policies. The lodging of this request does not in any way mean that Council will agree to discontinue the road (or, if discontinued, sell (or facilitate or assist in the facilitation of the sale or transfer of) the land to the Applicant).
2. Council may at any time request further information from the Applicant in relation to the application, in which case the Applicant agrees to use all reasonable endeavours to provide that information to Council as soon as reasonably practicable.
3. The Applicant must pay all Council's costs and expenses in relation to the request for the discontinuance and/or sale of the road, including any legal costs, valuation fees, survey fees, public notice or gazettal costs and registration fees for any plans or other dealings. These costs are payable on demand by Council. Council may in its discretion request that an amount is paid in advance on account of these estimated costs and/or that security acceptable to Council is provided in relation to payment of these costs.
4. The process for discontinuance of the road and/or sale of the land is discretionary and can take some time (in the vicinity of 6 to 18 months, or longer). Council agreeing to start the discontinuance process does not commit Council to continuing the process or selling (or facilitating or assisting in the facilitation of the sale or transfer of) the land to the Applicant. Council may cease the process at any time, in which case the Applicant has no formal rights of appeal to such a decision.
5. If Council decides to sell the road (if/once it has been discontinued) and the road is on land owned by Council, the land will generally be sold at the market value as assessed by a qualified valuer. If the discontinued road is on Crown land, then Council is not entitled to sell the land, and the sale will be the responsibility of the Department of Energy, Environment and Climate Action.
6. If the land contains any services or infrastructure, easements may be required to be created over the land, or those services or infrastructure may be required to be moved. Additionally, if the road is discontinued and sold, Council is likely to require that the (former) road is consolidated with abutting land owned by the purchaser in which case a section 173 agreement may be required. The Applicant will be responsible for any costs in relation to these matters.
7. At any time during the process, Council may require the Applicant to enter into a deed with Council which may deal with the matters referred to above (and other matters which are required by Council) as a condition of Council agreeing to continue with the process. The Applicant is responsible for Council's costs in relation to the preparation, negotiation and execution of the deed.

### **Applicant's declaration**

The Applicant:

- confirms it has read and understood each of the above acknowledgements.
- authorises Gannawarra Shire Council to instruct its solicitors and other consultants in relation to this matter and undertakes to pay any invoices received from those parties in connection with this matter.

Applicant signature		Date:	
Print signatory name			