



# Department of Environment, Land, Water & Planning

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File Reference: 12L12/1314

CEO  
Nillumbik Shire Council  
PO BOX 476  
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Dear CEO – Nillumbik Shire Council,

## **COUNCIL CONSENT TO CLOSING OF ROAD UNDER SECTION 349 OF THE LAND ACT 1958**

A road laid out on land of the Crown which is unused or of low public value, as to the whole or any portion of the length or width may be closed by the Governor in Council as to the whole or part as the case may be by order published in the Government Gazette but only with the concurrence in writing of the Council of the Municipality in whose district the road is situated and of the owners of any land adjoining the said road.

If the Council favours the closing of the road referred to hereunder, its concurrence should be given in writing to satisfy the requirements of the Act. It may be given under the seal of the Council or under the hand of the Chief Executive Officer.

Description of Road which  
is the subject of this consent;

**The road section shown marked B on the plan attached, being Government Road Section, Brisbane Street, Eltham, Victoria, adjoining Lot 1 TP80155 2/1 BRISBANE STREET ELTHAM 3095 (Certificate of Title Volume 09418, Folio 329) and Lot 1 TP117317 1/7 BRISBANE STREET ELTHAM 3095 (Certificate of Title Volume 09785, Folio 771)**

Name and address of applicant  
for the road to be closed and  
the unused Government Road  
to be sold to;

Privacy Obligations

OFFICIAL

## CONSENT

At the meeting of the Nillumbik Shire Council held on \_\_\_\_\_ it was resolved that the Council give its concurrence to the closing of a section of the subject road pursuant to Section 349 of the *Land Act 1958*, as per the map area highlighted.

In giving this consent Council is aware that should the road be closed the effect will be as follows:-

- (i) The closing of this section of road, will be absolute;
- (ii) The road section, will be shown as closed on all Departmental record plans and Title Office charts and on the Titles of the abutting lands;
- (iii) All rights of carriageway enjoyed by the public will cease;
- (iv) The land in the closed road will become unalienated land of the Crown and can be dealt with under the provisions of the Land Act which includes the sale of the freehold.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 2015

(Council seal or signature of the Chief Executive Officer)

# Proposed Road Closure Region

Brisbane Street, Eltham TOP MAP



41

41 Meters

GDA\_1994\_VICGRID94

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Disclaimer: This map is a snapshot generated from Victorian Government data. This material may be of assistance to you but the State of Victoria does not guarantee that the publication is without flaw of any kind or is wholly appropriate for your particular purposes and therefore disclaims all liability for error, loss or damage which may arise from reliance upon it. All persons accessing this information should make appropriate enquiries to assess the currency of the data.

Map Created on

23-Nov-2021

Scale

1:800