

Sale of Council Land Policy

POLICY STATEMENT	1.1 The sale of any Council owned land will follow a prescribed process that is based on principles of transparency, procedural fairness and acting in the best interests of the community.
DEFINITIONS	2.1 In this policy: <ul style="list-style-type: none"> • “Council Officer” means an employee of a council appointed under section 21 of the Environmental Management and Pollution Control Act 1994. • “Council” means the Kingborough Council. • “Public Land” refers to land defined as such by <i>Section 177A of the Local Government Act 1993</i>.
OBJECTIVE	3.1 The objective of this policy is to ensure that when considering the sale of land assets, Council explores practical options for the use of the land and applies processes that are demonstrably equitable, consistent and transparent, complies with appropriate legislative requirements and obtains best value results for the Kingborough community.
SCOPE	4.1 This policy applies to land owned within the Kingborough Municipal Area that is owned by Council. It does not apply to Crown or other land that is managed but not owned by Council.
PRINCIPLES	5.1 The following principles underpin this policy: <ul style="list-style-type: none"> • Procedural fairness – any sale of Council land will follow a process that allows equal opportunity for all relevant stakeholders to express an interest in the land; • Transparency – the process followed by Council will be open and transparent; • Consistency – Council will take a similar approach in similar matters to achieve similar outcomes; • Public interest – any decision made by Council to sell land will be made in the best interests of the Kingborough community, now and into the future; and • Natural Values – protecting land for conservation and ecological purposes;
PROCEDURE (POLICY DETAIL)	6.1 <u>Determination of Surplus Land:</u> <p>Council land that could potentially be considered for sale may either be identified by the public or by way of Council’s own assessment process. Consideration of the land in question will be conducted by way of an internal referral process that will include the following:</p> <ol style="list-style-type: none"> a) Road Reserves/Casements – referral to Council’s Engineering Services Department to ensure that the land is not required for future widening, footpath construction or other Council infrastructure; b) Walkways/Laneways – referral to Council’s Recreation Officer to ascertain if the land has any current or future value for pedestrian thoroughfare. c) Public Open Space and Natural Area Reserves – referral to Council’s Environmental Services Department to determine if the land has natural values that should be preserved and/or is a strategic location for rehabilitation/revegetation activities. In addition, referral will be made to Council’s Recreation Officer for assessment of the potential of the land for public recreation.

- d) Undesignated land – referral to Council’s Public Open Space Strategy for assessment for its potential to meet future Council or community needs.

6.2 Market Testing:

In accordance with the provisions of Section 177(2) of the Local Government Act, a valuation of any land being recommended for sale will be obtained from the Valuer-General or a person who is qualified to practise as a land valuer under [Section 4 of the Land Valuers Act 2001](#).

6.3 Consultation:

- a) Public Land – the provisions of Section 178 of the Local Government Act in regard to public consultation will apply to the intended sale of any land that is defined as Public Land (advertising twice in a daily circulating newspaper, displaying a notice on the boundary of land that abuts a highway and allowing a 21-day period for public submissions). In addition, notification will be provided to all adjoining neighbours of Council’s intent, with a 21-day period allowed for the receipt of any representations.
- b) Non-Public Land on a Separate Title – where the land in question can be sold as a discrete title, notification of the proposed sale will be placed in Council’s regular print media outlets, as well as a notice on the boundary of the property and notification to adjoining neighbours. A 21-day period for public submissions in relation to the proposed sale will be provided.
- c) Non-Public Land Without a Separate Title – where the land in question forms part of a larger title and can only be sold by means of a subdivision and boundary adjustment, all neighbouring properties will be advised in writing and provided with 21 days in which to express an interest in purchasing the land.

6.4 Report to Council to Sell Land:

Prior to the sale of any Council owned land, a report to the Council outlining the following will be provided:

- Current use and history of property;
- Property values (cultural, heritage, environmental, recreation, landscape);
- Valuation details;
- Legal requirements;
- Public consultation;
- Rationale for recommended sale, including details of internal referrals;
- Recommended method of sale;
- Recommended sale price range;
- Any encumbrances; and
- Timeframes for sale.

In relation to land classified under the Local Government Act as Public Land, the report will be considered in open session as required by the provisions of Clause 15 3(c) of the *Local Government (Meeting Procedures) Regulations 2015*.

For non-public land, the report will be considered in closed session in accordance with Section 15 3(f) of the *Local Government (Meeting Procedures) Regulations 2015*.

	<p>6.5 Method of Sale:</p> <p>Council will determine a method of sale for any land identified as being appropriate for disposal that secures maximum financial return or is in the best interests of the community. This may include public tender, auction, listing with a real estate agent or a negotiated private sale.</p>
GUIDELINES	<p>7.1 Any potential sale of Council owned land will:</p> <ul style="list-style-type: none"> • Be undertaken in compliance with legislative requirements; • Occur only after consultation with affected stakeholders; • Be undertaken with the intention of securing maximum financial and/or other benefits to the community; • Be through a fair and open process that includes regular market testing; • Be open to public scrutiny while maintaining appropriate levels of commercial confidentiality, and • Be conducted in accordance with the Council's adopted procedures.
COMMUNICATION	<p>8.1 This policy will be communicated to all staff involved in the process of assessing and disposing of Council owned land.</p>
LEGISLATION	<p>9.1 The primary legislation in relation to this policy is the <i>Local Government Act 1993</i> (Tas). Other relevant legislation may include the following:</p> <ul style="list-style-type: none"> • <i>Land Use Planning and Approvals Act 1993</i>; • <i>Urban Drainage Act 2013</i>; • <i>Threatened Species Act 1995</i>; • <i>Goods and Services Tax Act 1999</i>; and • <i>Traffic Act 1925</i>
RELATED DOCUMENTS	<p>10.1 Kingborough Public Open Space Strategy 10.2 Kingborough Tracks and Trails Strategy 10.3 Kingborough Sport and Recreation Strategy</p>
AUDIENCE	11.1 Public