



Council Land Disposal Policy 2023

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Department	Council-wide
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Date for Review	March 2026
Responsible Officer	Governance and Reporting Advisor
Authorising Officer	Director Corporate and Leisure
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1. Statement and Purpose

1.1 The purpose of this policy is to:

- give direction on the disposal of Rural City of Wangaratta ('Council') owned land in accordance with the *Local Government Act 2020* (Vic) ('the Act');
- satisfy all legal requirements and sector best practice;
- inform all relevant stakeholders of their responsibilities and rights in the disposal of Council land process; and
- provide the community with assurance that Council land is disposed of responsibly and contributes to the overall value of the community.

2. Scope

2.1 This Policy:

- Reinforces the statutory requirements for disposal of Council land;
- Seeks to ensure that the best outcome is achieved for Council and to provide maximum return to the community either by realising the strongest financial and

economic return or by fulfilling a community service need aligned to Council's strategic visions; and

- c) Outlines the methods in which the community will be informed of any applicable disposal process of Council land;

2.2 This Policy does not relate to:

- a) The procurement activities of Council;
- b) The leasing or licensing of Council-owned land;
- c) Land sold by Council due to non-payment of rates; or
- d) Crown Land delegated to Council.

2.3 This policy applies to any Council staff or agents responsible for the disposal of Council owned land includes contractors, staff on exchange or secondment, members of Delegated Committees, the Audit and Risk Committee, members of Community Reference Groups, volunteers, work experience students or graduate placements who perform work for Council, as well as external suppliers and other contractors and subcontractors.

3. Policy

3.1 Subject to sections 114 and 116 of the Act, Council may dispose of land (excluding Crown land) through sales, exchanges or transfers.

3.2 All sales, exchanges and transfers of land must comply with the provisions of the Act, including situations in which an interested party engages Council with the intention of commencing a land disposal process.

3.3 Sales, exchanges and transfers of land are only to be conducted after a public consultation process in accordance with the Council's Community Engagement Policy, in addition to the publication of Council's intention to sell or exchange the land on the Council's website and in accordance with any applicable Regulations at the time of the intended sale or exchange, published at least 4 weeks prior to the intended sale or exchange.

3.4 Council must also have regard to the key governance, deliberative engagement and public transparency principles in the disposal process and will demonstrate probity, accountability, responsibility and transparency to Councillors and the community and impartiality, fairness, independence, openness and integrity in all discussions and negotiations.

3.5 The Council will refer to and align with relevant municipal plans and strategies when conducting any property transactions.

3.6 Sales, exchanges and transfers of land should occur at not less than the market value assessed by a Certified Practising Valuer in accordance with the *Valuation of Land Act 1960* (Vic), or in accordance with the processes outlined in the *Local Government Act 2020* (Vic), unless there is a demonstrable community benefit consistent with a Council strategic objective.

- 3.7 Where the disposal of council land is initiated by the Council (e.g., for a growth opportunity or to dispose of excess land), costs in relation to preparing the land for disposal and agent engagement will be covered by Council, unless an alternative commercial agreement is reached.
- 3.8 In instances where Council is approached by a third party (e.g., resident or investor) wishing to purchase council land which is not currently being considered for disposal, all costs will be covered by the purchaser.
- 3.9 Council may gift land to any agency outlined under section 116 of the Act, including the Crown, a Minister, a public body, any trustees appointed or a hospital.

PROCESS AND STATUTORY REQUIREMENTS

- 3.10 Officers will complete and initial assessment of the land before Council commences with the formal disposal process, the following preliminary considerations need to be addressed as part of the assessment:
- Validation of land and ownership - a Title Search to validate the land details (e.g., size, boundaries etc.) and confirm ownership.
 - Research and document the history in Council's Information Management system, prior and current requirements and original purpose of the land to be disposed.
 - Review of any restrictions/caveats on the land (zoning, access, planning prohibition, heritage / cultural significance) and confirm whether restrictions enable the land to be used for the intended purpose following disposal.
 - Check and confirm that the land is not included in a strategy / used for Council operations and consider if the land is surplus to Council requirements.
 - Identify if the land has any additional items or assets that are not intended for sale.
 - Confirm that the land does not contain hazardous materials or contaminated substances.
 - What would be needed to prepare land for sale (e.g., rezone land, remove impediments such as easements, contamination where possible).
- 3.11 Complete a Land Valuation performed by a person holding the appropriate qualifications or experience specified in section 13DA(2) of the *Valuation of Land Act 1960* (Vic) ('Valuation Act'), no more than 6 months prior to the proposed disposal. This valuation must be finalised prior to the publication of Council's intention to sell or exchange that land.
- 3.12 Before the statutory process outlined in this policy can commence, a Council resolution to that effect is required. In accordance with section 114 of the *Local Government Act 2020* (Vic) and Council's Community Engagement Policy, Council will publish notice of its intention to dispose of Council land on Council's website for a period of 28 days.

3.13 Council to consider all submissions received in the manner prescribed by the community notice and a formal resolution to proceed with the disposal of the land or an alternative must be recorded at a future Council meeting.

3.14 Council reserves full rights to make the commercial decision as to whether proceed with or decline any request for the sale of council land.

4 Roles and Responsibilities

4.1 All Council officers, agents and Councillors have the obligation to ensure that all relevant legislation and Council policies are considered and applied when making a determination on any land processed in accordance with this policy.

4.2 Council Managers are responsible for ensuring that any land deemed surplus within their departments satisfy the requirements of this policy.

5 Breaches

5.1 Breaches of this policy may lead to disciplinary action in accordance with Council's Enterprise Agreement and in accordance with the Council Staff Code of Conduct.

6 Human Rights

6.1 This policy has considered and complies with the Human Rights and Responsibilities contained in the Victorian Charter of Human Rights and Responsibilities Act 2006.

7 Review

7.1 This policy will be considered by the Audit and Risk Committee once in its lifecycle to ensure compliance with the *Local Government Act 2020* (Vic) and by the policy owner once every four years at a minimum, unless required by legislative change or operational necessity.

7.2 Any feedback provided by the Audit and Risk Committee in determining the policy's compliance must be presented to the Chief Executive Officer for consideration.

8 Legal Framework

Local Government Act 2020 (Vic)

Subdivision Act 1988 (Vic)

Valuation of Land Act 1960 (Vic)

Version History		
Version Number	Date of change	Reasons for change
1.0	November 2019	Creation of policy
1.1	April 2022	Commencement of review
1.2	January 2023	Review to satisfy Best Practice Guidelines