

Sale and Disposal of Land and Other Assets Policy



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| Policy Author | General Manager – City Assets |
| Date of next review | January 2025 |

1. Statement of Intent

The intent of this policy is to outline the responsibilities of the Council relating to the sale and disposal of land and other assets.

This policy seeks to:

- Define the principles by which land and other assets are disposed of;
- Demonstrate accountability and responsibility of Council to ratepayers;
- Be fair and equitable to all parties involved;
- Enable all processes to be monitored and recorded;
- Ensure that the best possible outcome is achieved for the Council; and
- Ensure alignment to the suite of Strategic Management Plans.

Council is committed to the following guiding principles in relation to the sale and disposal of land and other assets:

- Encouragement of open and effective competition;
- Obtaining value for money not restricted to price alone;
- Providing for ethical behaviour and fair dealing;
- Ensuring probity, accountability, transparency and reporting; and
- Ensuring compliance with relevant legislation.

2. Scope

This policy applies to Council employees, Council Members and Independent Members, and is intended to fulfil the requirements of Section 49 of the *Local Government Act 1999*.

Council, with due regard to all associated costs to achieve the transaction or such other amount as the Council resolves, may accept a lesser return for walkways as outlined in the closure of walkways procedure.

This policy does not apply to:

- Land sold by Council for the recovery of rates;
- Disposal of goods which are not owned by Council, such as abandoned goods;
- Disposal of other assets that may be covered in Council's Motor Vehicle and Fleet Policy.

3. Legislation and References

This policy is to be read in conjunction with the Sale and Disposal of Land and Other Assets Procedure.

- *Local Government Act 1999*
 - Section 49
 - Section 50
 - Section 57
 - Section 101- Delegation by chief executive officer
 - Section 189 Crown as owner of land
 - Section 193 Classification
 - Section 194 Revocation of classification of land as community land
 - Section 195 Effect of revocation of classification
 - Section 201 Sale or disposal of local government land
 - Section 221 Alteration of road
- *Real Property Act 1886*
- *Land and Business (Sale and Conveyancing) Act 1994*
- *Development Act 1993*
- *Crown Land Management Act 2009*
 - Part 3- Dealing with Crown Land
 - Part 6- Miscellaneous
- *Roads (Opening and Closing) Act 1991*
- *Native Title (South Australia) Act 1994*
- *Independent Commissioner Against Corruption Act 2012*
- *Road Traffic Act 1961*
- Closure of Walkways Procedure
- Asset Management Policy
- Code of Conduct for Council Members
- Fees & Charges Policy
- Fees & Charges Procedure
- Naming of Assets Policy
- Procurement Policy
- Community Engagement Policy
- Motor Vehicle Fleet Management Policy
- Relevant Australian Accounting Board Standards (AASB)
- Unsolicited Proposal Procedure
- Delegations Register
- City of Playford Global Glossary

This Policy should not be considered as the only document that may relate to the sale and disposal of land and other assets, other tiers of government, agencies or organisations may have legislation or policies that also apply.

4. Application

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| CEO | Appropriate delegations of the sale and disposal of land and other asset are in place to ensure compliance to this policy. |
| Senior Manager | The Senior Manager will monitor compliance with this Policy. |
| Managers | Communicate, implement and monitor compliance with this Policy. |
| Authorised and delegated officers | Authorised and delegated officers are to adhere to the principles of this policy and follow procedures and guidelines in the tasks associated with sale and disposal of land and other assets. |

5. Relevance to Risk Appetite Statement

Reputation

The City of Playford has a LOW appetite for negative perceptions that compromise its credibility and reputation. Good governance will be adhered and employees should follow The Sale and Disposal of Land and Other Assets Procedure together with this Policy unless otherwise determined by Council.

Regulatory Compliance

The City of Playford has ZERO TOLERANCE for non-compliance with applicable legislation.

This policy addresses this risk by ensuring compliance with Section 49 of the *Local Government Act 1999*, which requires Council to develop and maintain policies and procedures for the sale and disposal of land and other assets.

6. Feedback

Your feedback on this policy is invited and can be directed to the Manager Governance via email to governance@playford.sa.gov.au or by calling the Customer Contact Team on 8256 0333.

Administration use only

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| ECM document set no. | 3954936 |
| Version no. | 3 |
| Procedure link | Sale and Disposal of Land and Other Assets Procedure |
| Policy author | General Manager – City Assets |
| Endorsed by | Council |
| Resolution no. | 4612 |
| Legal requirement | <i>Local Government Act 1999</i> – Section 49 |
| Review schedule | 4 Years |
| Date of current version | May 2021 |

Date of next review January 2025

Version history

| Version no. | Approval date | Approval by | Change |
|-------------|-----------------|---|--|
| 1 | 30 January 2007 | Ordinary Council Resolution No. 74 | New Policy |
| 2 | 27 October 2015 | Ordinary Council Resolution No. 2360 | Policy reviewed in line with current practices. Policy name changed, previously called Sale or Disposal of Assets Policy |
| 3 | 25 May 2021 | Ordinary Council Resolution No. 4612 | Policy reviewed and updated in line with current practices. Key updates include conversion to the new policy template and consolidating information to only include detail at a policy level. Procedural matters removed and included in a separate procedure. |
