



Sale of Council Land Policy

Date policy was adopted by Council:	24 August 2011
Resolution number:	208/11
Previous Policy review date:	November 2013
Next Policy review date:	July 2016
Reference number:	C1170647

1. OBJECTIVE

The objective of this policy is to ensure that, when considering the sale of land assets, the Queanbeyan City 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 entire Queanbeyan community.

2. PRINCIPLES

All sales of land assets will:-

- be consistent with Council's economic, social and environmental objectives,
- be undertaken in compliance with legislative and other obligations,
- occur only after consultation with affected stakeholders and relevant sections of the community after taking into account all relevant comments and representations,
- be undertaken with the intention of securing maximum financial and other benefits for the community,
- be through a fair and open process and include regular market testing
- be in accordance with any ICAC guidelines
- be open to public scrutiny while maintaining appropriate levels of commercial confidentiality, and
- be conducted in accordance with the Council's adopted procedures.

3. AREA TO WHICH THE POLICY APPLIES

This Policy covers all of the Queanbeyan City Council Local Government Area and any property or land assets owned by the Queanbeyan City Council. It does not apply to Crown Land controlled and/or managed by Queanbeyan City Council on behalf of the Crown or a Trust.

It should be noted that the Council has a separate policy for the sale of private property for the non payment of rates and charges.

4. SALE OF COUNCIL LAND

i) Sale of surplus road reserve

Council may consider the sale of a portion of a road reserve where this has been assessed by the relevant Manager of Council and the Council has determined that it is not required for future widening, footpath construction or other Council infrastructure. In addition, the assessment has been provided by way of report to Council.

Except where the dimensions of the parcel proposed to be sold are sufficient to permit independent development of the site, the Council will generally only consider sale to the owner/s of the adjoining property/properties and, in such cases, will require that the parcel of surplus road be consolidated with the adjoining property/properties.

ii) Sale of other surplus land

Council may consider the sale of a parcel of operational land where this has been assessed by the relevant Manager/s of Council as not required for future operational or community purposes and this assessment has been provided by way of report to Council.

The report may canvas alternative uses for the land under current or potential zoning and may recommend to Council that Expressions of Interest or Tenders be invited.

iii) Report to Council to Sell Land

Prior to any sale of land process the report to the Council outlining the following will be provided:

- Description of property and property history
- Current valuation and date of valuation
- Locality map
- Current use
- Rationale for recommended sale
- Recommended method of sale
- Recommended sale price range including consideration of any alternative options
- Any encumbrances
- Timelines for sale.

iv) Consultation Process

Advertisements must include a legal property description and a local name by which the property is known (if any) together with all other relevant details in relation to the sale e.g. price, special conditions. Statutory advertising will be placed with Council's regular print media outlets.

v) Methods of Disposal

Sale of land may proceed in the following manner:

- Public Competitive Sale (Auction or Agent)
- Private Sale
- Other Sales.

vi) Public Competitive Sale

After Council approval and completing the process required under the *Local Government Act 1993*, and where relevant the *Environmental Planning & Assessment Act 1979* the following procedures should apply:

- The Council may invite expressions of interest from prospective buyers for the sale of the property or;
- Select an appropriate real estate agent to dispose of the property based on the following criteria but not limited to:
 - (a) type of property to be marketed
 - (b) relevant experience
 - (c) proposed commission
 - (d) necessary licences
- The General Manager, in consultation with the Mayor, shall determine whether sale is by auction or direct negotiation and whether any terms and conditions apply
- The General Manager, in consultation with the Mayor, shall determine the reserve price if the sale is by auction or by negotiation
- If reserve is met then sale proceeds
- If reserve is not met, then any offer or proposal to amend reserve be referred to the General Manager, in consultation with the Mayor, for consideration.

vii) Private Sale

The General Manager, or an officer authorised by the General Manager, be empowered to negotiate with prospective purchaser/s.

The General Manager shall approve the final sale price, in consultation with the Mayor, and any terms or conditions of sale.

viii) Other Sales


If any sales fall outside the guidelines above then Council approval will be required prior to acceptance of any offer to purchase.

ix) Contracts of Sale

All Contracts of Sale are to be prepared by Council's legal advisors and executed by the General Manager under delegation.

POLICY:-	
Policy No:	
Policy Title:	Policy for Sale of Council Land
Date Policy was adopted by Council:	24 August 2011
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PROCEDURES/GUIDELINES:-	
Date Procedure/Guideline (if any) was developed:	Nil
RECORDS:-	
Container Reference in TRIM: Policy	SF100114
Container Reference in TRIM: Procedure	Nil
Other locations of Policy:	Intranet (linked to TRIM Container)
Other locations of Procedures/Guidelines:	Intranet (linked to TRIM Container)
DELEGATION (if any):-	
	Nil
RESPONSIBILITY:-	
Draft Policy developed by:	Executive Manager - Legal and Internal Services
Committees (if any) consulted in the development of the Draft Policy:	Nil
Responsibility for Implementation:	Executive Manager - Legal and Internal Services
Responsibility for Review of Policy:	Executive Manager - Legal and Internal Services

INTEGRATED PLANNING FRAMEWORK:	
Community Strategic Plan:	Strategic Priority No. 6
Delivery Program Title:	Legal and Internal Services
Operational Plan:	Program No. 130

Senior Authorising Officer	Position General Manager	Signature/Date  25 August 2011
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ACTION	COUNCIL MEETING DATE	RESOLUTION NUMBER	REPORT ITEM NUMBER
NEW/RECONFIRMED/ AMENDED			
New	24 August 2011	208/11	Item 2

DATE REVIEWED	REVIEWER POSITION	REVIEWER NAME
November 2013	General Manager	Gary Chapman