

Acquisition & Disposal of Land Policy

First Approved	17 July 2023 (Resolution Ref: C23266)
Review Frequency	4 yearly or as required
Status	LGA Recommended
Last Reviewed	
Next Review Due	July 2027
File Number	18.63.001 / PL2023170
Responsible Division	Corporate – <i>Property and Procurement</i>
Related Documents	Unsolicited Proposal Policy Unsolicited Proposals Procedure Procurement Policy Lease and Licence Policy Disposal of Council Assets (excl. Land and Road) Policy Acquisition and Disposal of Road Policy
Applicable Legislation	<i>Local Government Act 1999 (SA)</i> <i>Real Property Act 1886 (SA)</i> <i>Land and Business (Sale and Conveyancing) Act 1994 (SA)</i> <i>Planning, Development and Infrastructure Act 2016 (SA)</i> <i>Retail and Commercial Leases Act 1995 (SA)</i> <i>Crown Land Management Act 2009 (SA)</i> <i>Native Vegetation Act 1991</i> <i>Roads (Opening and Closing) Act 1991 (SA)</i> <i>Land Acquisition Act 1969 (SA).</i> <i>Local Government Act 1999 (SA)</i> <i>Freedom of Information Act 1991 (SA)</i> <i>Ombudsman Act 1972 (SA)</i> <i>Competition and Consumer Act 2010 (SA)</i>

Purpose

Council owns or is the custodian of land held on behalf of the community. As part of its role, the Council is required to provide infrastructure for its community and to plan for the development and future requirements of its area. The Council is also required to ensure that Council resources are used fairly, effectively and efficiently pursuant to section 8(h) of the *Local Government Act 1999* (the **Act**).

The purpose of this policy is to ensure that the acquisition or disposal of land by the Council is:

- equitable, open and transparent in the expenditure of public money;
- provides the maximum return (pecuniary or otherwise) for the benefit of the community;
- occurs in compliance with applicable legislative requirements; and
- ensures both probity and accountability.

Scope

This Policy seeks to:

- define the methods by which land is acquired or 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; and

- ensure that the best possible outcome is achieved for the Council and ratepayers.

This policy is applicable to all proposed land acquisitions or disposals while ensuring compliance with Council's obligations in relation to section 49 of the Act, which requires Council to develop and maintain policies, practices and procedures directed towards:

- obtaining value in the expenditure of public money
- providing for ethical and fair treatment of participants
- ensuring probity, accountability and transparency in all disposal processes.

Objectives

This policy establishes the framework that supports sustainable decision-making processes. Any decision to acquire or dispose of land will include an objective analysis of the strategic, legal, financial, environmental and community benefit when considering the acquisition or disposal of land, with due regard to:

- delivering the highest standards of public value, community benefit and value for money;
- aligning with Council's strategic management plans and policies;
- ensuring an accountable and transparent process is in place when considering the acquisition or disposal of land; and
- recognising that acquisition or disposal of land has community/strategic or investment purposes.

Principles

Chapter 2 of The *Local Government Act 1999* recognises the delivery of core services as a key function of Council, which should be undertaken with regard to ensuring the sustainability of the Council's long-term financial performance and position.

Council will keep under review, the land that it owns or that is under its care, control and management, to ensure its effective and efficient use in the public interest. Considering whether to retain or dispose of land that no longer provides strategic or community value or supports the delivery of core services to the community or the future strategic direction and financial sustainability of the Council, will assist in ensuring Council resources are used fairly, effectively and efficiently.

The process for acquisition or disposal will be fair and transparent and ensure that Council obtains the best outcome and value from the acquisition or disposal, with due regard for open and effective competition and obtaining value for money.

These principles are not restricted to price alone and must include:

- the contribution to Council's long-term financial plan and strategic management plans;
- any relevant direct and indirect benefits to Council and/or the community, both tangible and intangible;
- The results of any community engagement;
- the costs associated with the various acquisition or disposal methods;
- The cultural or historical significance of the land;
- The impact or loss of environmental considerations such as tree canopy;
- internal administrative costs;
- risk exposure;

- the value of any associated environmental benefits; and
- the effect upon existing or future public access that may be gained or lost by the acquisition or disposal.

Definitions

In this Policy, unless the contrary intention appears, these words have the following meaning:

<i>Acquisition</i>	refers to the purchase or acceptance of the care, control and management of Land.
<i>Act</i>	means the <i>Local Government Act 1999</i> and its regulations, as amended from time to time (unless otherwise defined).
<i>CEO</i>	means the Chief Executive Officer (including the CEO's delegate) or an acting Chief Executive Officer of the Alexandrina Council.
<i>Community Land</i>	means all Council land classified as Community Land under Chapter 11 of the Act.
<i>Community Value</i>	is assessed by the extent to which the land is providing a community benefit and the role it plays in contributing to the social wellbeing and interests of the community, including the likely economic or social effect from the proposed acquisition or disposal such as equality, social inclusion, health and wellbeing, amenity and local economic conditions.
<i>Council</i>	refers to the Alexandrina Council.
<i>Council Member</i>	includes the Mayor or a Councillor of the Council.
<i>Domestic Land</i>	means land that has been identified as containing outstanding anomalies which affect a small portion of the community but which may result in long-term community benefit for all parties.
<i>Direct</i>	means without intervening factors or intermediaries.
<i>Disposal</i>	means the sale of Land or the revocation of the care, control and management of land.
<i>Land</i>	includes Community Land, vacant land, operational land and all buildings (community and operational). It includes land under the Real Property Act 1886, land not brought under the Real Property Act 1886, land under the Crown Land Management Act 2009 and land under the Community Titles Act 1996. Land includes a legal estate or interest over land (such as a lease).
<i>Market Value</i>	is the estimated monetary worth of an asset on the open market at a particular time.
<i>Mayor</i>	means the Mayor of the Alexandrina Council.
<i>Repurchase</i>	means a legal right for Council to repurchase a property if the purchaser has not fulfilled a Special Condition from the contract for the sale and purchase of the property.

<i>Strategic Land</i>	means Land deliberately identified as providing operational cost savings or providing community benefits that outweigh the disadvantages through the potential disposal or acquisition.
<i>Strategic Value</i>	means an assessment having regard to the extent to which the Land is contributing to the outcomes of the Council, state or federal strategic plans and objectives or its long-term potential value to the Council.
<i>Unsolicited proposal</i>	means a proposal received by the Council from a third party for the purchase of Land where the Council has not requested an offer pursuant to its usual disposal or procurement process.
<i>Valuation</i>	means a determination or assessment of value completed by a suitably qualified and licensed independent valuer.
<i>Value for money</i>	means the outcome achieves the required project objectives in an efficient, high quality, innovative and cost-effective way, and with appropriate regard to the management and mitigation of risks.

General Terms

Consultation

The Council will undertake public consultation in respect of a proposed Land Acquisition or Disposal in accordance with applicable legislative requirements and the Council's public consultation policies at all times.

If land is Community Land, the Act requires public consultation to be carried out prior to further considering its disposal. This consultation would usually occur as part of a process to revoke the Community Land status of the land pursuant to section 194 of the Act.

While public consultation is not required by legislation for the Disposal of Land that is not classified as Community Land, public consultation may still be carried out at the Council's discretion.

The Council is not required to undertake public consultation in respect of a proposed strategic Acquisition of Land.

Assessment Process

This Policy is not the decision making tool as to whether to acquire or dispose of Land. This Policy forms the framework for assessing each proposal to acquire or dispose of Land against, on a case-by-case basis and on its own merits. The framework provided by the Policy ensures that the assessment process, from start to end, is well considered, inclusive, transparent and consistently assessed against robust selection criteria.

The assessment process for applying the framework includes numerous decision-making stages by the Council. These stages can include:

- An initial 'in principal' resolution of the Council to pursue a potential acquisition or disposal of land (based on assessment against the Policy).

- A comprehensive Report to Council per land parcel, with an 'Information Pack' that describes in detail the merits of the proposal in alignment with the conditions and the criteria prescribed within this Policy.
- Community engagement, in instances where the land is Community Land or the proposal affects community.
- A further Report to Council with the outcomes from the community engagement process.
- Application/s to the Minister for the revocation of Community Land in those instances where the land is Community Land.
- A further Report to Council with the determination of the Minister and final decision.

Costs

- Council will be responsible for all ancillary costs of preparing Land for disposal or acquisition under this policy, including survey and Valuation.
- Each party is responsible for its own costs for conveyancing and legal advice. If a prospective purchaser or seller chooses to engage its own valuer, they will be responsible for those costs.
- If Land is dealt with as a consequence of an Unsolicited proposal, it will be assessed in accordance with the Unsolicited Proposals Policy first, before being dealt with under this Policy.

Delegation

A decision to acquire or dispose of land can only be made by a resolution of Council.

Any discussion or negotiation by an employee of Council with a prospective purchaser of Council Land prior to the making of a resolution by Council, is for investigative purposes only and will not be legally binding.

Confidentiality

Proponents often desire confidentiality. Council ensures that confidentiality is abided by within legislative constraints, so as not to provide an undue advantage to any party it may be contracting with for any proposed acquisition or disposal of land it is proposing.

However, proponents should be aware that their interests may be subject to the *Freedom of Information Act 1991*, the *Ombudsman Act 1972* and the *Independent Commissioner Against Corruption Act 2012*.

Any resolutions of Council made in confidence in relation to the disposal or acquisition of land, will be released to the public following settlement or final decision on the proposal unless the Council determines there are grounds under section 90(3) of the Act for the decision to be retained as confidential and makes an order under section 91 of the Act to this effect.

Recording of reasons

While the Council will seek to observe the acquisition and disposal methodologies prescribed in this Policy for the Disposal or Acquisition of Land, there may be circumstances where there is a need to deviate from a prescribed methodology, including where this might best achieve the acquisition or disposal criteria outlined in this Policy.

If the Council enters into any contract for the Sale or Disposal of Land other than as a result of a tender process, accurate and timely reasons will be recorded for the decision. Administration is responsible for ensuring reasons are documented which will be available to the public.

Commitment to test the market

Council will acquire or dispose of land using competitive processes in order to achieve value for money in a fair and transparent manner. Testing the market results in the demonstrable achievement of value for money and provides fair and equal opportunities.

Exceptions

This policy applies to the acquisition or disposal of all Council land, with the following exceptions:

- Disposals of land resulting from road process orders pursuant to the *Roads (Opening and Closing) Act 1991*;
- Vesting's of land resulting from the application of the *Encroachments Act 1944*.
- Revocations of dedications to Council pursuant to the *Crown Land Management Act 2009* that have not been requested by Council;
- The extinguishment of easements or other property rights no longer providing a benefit to Council;
- any transfer of Land resulting from an order of a Court;
- any vesting of Land resulting from boundary adjustments pursuant to Part 2 of the Act;
- any land of Council with an ambulatory waterfront boundary that is lost or gained as a result of natural processes;
- the acquisition of land or easements for community wastewater management systems or stormwater management.

Exemptions from this Policy

This Policy contains general guidelines to be followed by the Council in its disposal and acquisition activities.

There may be acquisitions or disposals in which methods listed in this policy will not necessarily deliver best outcome for the Council. These methods will be appropriately documented.

Exclusions from this Policy (Section 184 – Local Government Act 1999)

Where rates on a property become more than three (3) years in arrears, Council may commence proceeding to sell the property. This process is governed by Council's 'Debt Recovery Policy' and processed under section 184 of the Local Government Act 1999. The sale of land for non-payment of rates is excluded from this Policy.

Grievances

Any grievances in relation to the Policy or its application should be forwarded in writing to the Chief Executive Officer, PO Box 21 Goolwa SA 5214 or to alex@alexandrina.sa.gov.au

No Warranty

Council gives no warranty that a purchaser of Council land will be able to use the land as they intend at the time of purchase.

Availability of Policy

This Policy will be available for inspection on the Council's website www.alexandrina.sa.gov.au. Copies can also be provided upon payment of a fee in accordance with Council's Schedule of Fees and Charges (if applicable).

Roles and Responsibilities

Council

The role of the Council is:

- to authorise (by resolution) to proceed (or otherwise) with a land acquisition or disposal in accordance with the relevant Acts;
- to make decisions where required, to revoke the Community Land status of Land in accordance with the provisions of the Act;
- to authorise the Mayor and CEO to sign and seal documentation required to facilitate transfers and any other dealings associated with the land, including any Community Land revocation process that may be required.

Chief Executive Officer

The role of the CEO is:

- to give effect to resolutions of the Council;
- to allocate resources to all preliminary negotiations, investigations and analysis of any proposed acquisition or disposal;
- to identify and report to Council regarding the alignment of an acquisition or disposal proposal with Council strategies and policies; and
- to review the performance of Council Land and undertake appropriate actions to improve public value.

Administration

The role of administration is:

- to undertake initial assessment of proposed acquisitions and disposals of land with other internal stakeholders and in accordance with the objectives of this policy;
- to identify appropriate acquisition or disposal methods in accordance with Council policies; and
- to prepare all supporting information to enable Council to make an informed decision and undertake duties in accordance within the authority delegated by Council to the CEO.

Advisers

Professional advisers may be appointed as required to assist in assessing the implications of a particular land proposal including expertise in legal, community, financial, technical, environmental and probity.

Acquisition of Land

Prior Considerations

The Council may resolve to acquire Land:

- by purchase, where its acquisition will help to meet Council's economic, financial, social or environmental objectives;
- where Council can demonstrate that the acquisition is required to support and / or facilitate current or future community needs;
- by the acceptance of land as reserves, set aside through the development approval process for subdivisions;
- by bequests or other gifts, provided the acceptance of the land will help to meet Council's economic, social or environmental objectives;
- by accepting care, control and management of dedicated land pursuant to the *Crown Land Management Act 2009*; and
- by compulsory acquisition in accordance with relevant legislation.

Community Land

All land acquired by Council will become Community Land unless, prior to its acquisition, Council resolves to exclude it from a Community Land classification in accordance with section 193(4) (a) of the Act.

The exclusion of land from the Community Land classification is generally restricted to land used for operational purposes that is not intended to be developed for use by the community, such as waste transfer stations and land comprising CWMS infrastructure.

Acquisition methods

The Council will (where appropriate) acquire Land through one of the following methods:

- open market purchase of an Agency listed property;
- submitting an expression of interest (EOI);
- bidding at a public auction;
- by direct negotiation with owners of Land that may be critical to meeting Council's strategic objectives; or
- by compulsory acquisition for community wastewater management systems or for stormwater management if, and only if, a negotiated acquisition cannot be achieved and in accordance with relevant legislation.

Direct Acquisition of Land

From time to time, owners of land contact Council to offer their land for purchase. Direct acquisition of land offered for purchase in this manner is an appropriate means of acquisition in the following circumstances:

- where Council owns adjoining land and the community would benefit from an expanded site;
- where a need has already been identified for land in that part of Council's area for a particular purpose and the acquisition of the land would assist in meeting that need;
- where acquisition of a portion of an adjoining land parcel would resolve a boundary anomaly or would improve practical access to Council's land;
- where additional land could be added to the area of a Heritage Agreement under the *Native Vegetation Act 1991* registered on the title of Council land that is adjoining or in close proximity; or
- by merger with adjoining land where existing Council land has no practical access.

Where land is being considered for acquisition through the direct approach of an owner, the financial implications must be carefully considered having regard to implications for the Council's budget.

Acquisition criteria

Any decision to acquire land will only be made after considering, where applicable:

Criteria – Social / Environmental	Criteria - Financial / legislative
The usefulness of the land for Council's strategic purposes	The estimated cost of acquisition
Cultural / historical significance of the land	The opportunity to promote local economic growth and development
Any impact the acquisition of the Land may have on the community	Any trust or encumbrance that may act as a barrier to the use of the land if acquired
Ecological values of the land, including future re-wilding / revegetation opportunities	The current market value of the land
Any known contamination of the land	The annual cost of maintenance if acquired
The results of any community consultation processes	Any other relevant guidelines and policies of the Council, including, where applicable the Council's Community Land Management Plan (CLMP)
Any values related to the <i>Aboriginal Heritage Act 1988</i> that have been identified on the land	The positive or negative impacts the acquisition of the Land may have on Council operations
Conservation values, open space and tree canopy impacts	The long-term plans and strategic direction of the Council
Land condition and maintenance considerations	Planning, zoning and development site constraints or opportunities
The operational or public need for the Land or the service provided at or on the Land	Compliance with statutory and other obligations

SUMMARY – ACQUISITION OF LAND

Obligations	Demonstrated value in the expenditure of public money Demonstrated probity, accountability and transparency Recording reasons where contract for disposal is entered into other than as a result of a tender process
Consultation	Not legislated but recommended for significant purchases
Costs	Council - own costs for conveyancing, own valuation and legal advice.
Consent	Decision of Council (Resolution).
Confidentiality	Released as applicable for public consultation purposes or; following settlement or final decision.
Acquisition methods	Purchase Acceptance of reserves or gifts/bequests Acceptance of dedication of Crown land Compulsory acquisition, if there is no alternative
Acquisition criteria	Assessed per Acquisition criteria
Acquisition directives	At or below current market value for maximum return; or Compelling reasons to purchase above the market value of the land only if the acquisition of the land is critical to Council's overall strategic direction.
Determination of Value	Independent valuation by Council, as purchaser
Date of Valuation	No more than 6 months prior to the proposed acquisition (unless the Council resolves otherwise in writing).

Disposal of Land

Prior Considerations

The Council may resolve to dispose of Land:

- where the Land forms or formed a road or part of a road, the Council must ensure that the Land is closed under the *Roads Opening and Closing Act 1991* (SA) prior to its disposal;
- where Land is classified as Community Land, the Council must undertake public consultation in accordance with the Act and the Council's public consultation policy. The process to revoke the classification of Land as Community Land must be concluded prior to its disposal;
- in compliance with all other requirements under the Act in respect of the disposal of Community Land;
- where the Council proposes to dispose of Land through the grant of a leasehold interest, the Council must have complied with its obligations under the Act, including its public consultation obligations under section 202 of the Act; and
- following an assessment against the criteria of the Unsolicited Proposals Policy (as applicable) and the Disposal criteria of this Policy.

Requirements for Community Land

Before disposing of Community Land, Council will comply with section 194 of the Act including;

- Section 194(2) (a) in relation to reporting requirements;
- Section 194(2) (a) (v) if the land is Crown land dedicated to the care, control and management of Council;
- Section 194(2) (b) in relation to following Council's Public Consultation Policy; and
- Obtaining the approval of the Minister for the revocation of the classification of the land as Community Land pursuant to section 194(2) (d) (ii).

Crown Land under Council's Care Control and Management

- Council only has custodianship of Crown land under its care, control and management.
- Council's role in the disposal of this land is restricted to accepting the revocation of the dedication pursuant to the *Crown Land Management Act 2009*.
- Disposal will then be managed by the Department for Environment and Water (DEW).
- Council may be eligible to receive the value of improvements it has constructed on the land following settlement.

Disposal methods

The Council will where appropriate (unless a direct disposal of land is appropriate), dispose of Land through one of the following methods:

- open market sale – public advertising and/or procuring the services of a licensed real estate agent and/or auctioneer (per Council's Procurement Policy);
- seeking Expressions of Interest for the Land
- select tender - seeking tenders from a selected group of persons or companies;
- open tender - openly seeking bids through tenders, including public auction;
- public auction – where it is considered that this will bring the highest return for the land;

- by negotiation – for example, with owners of adjoining Land or others with a pre-existing interest in the Land, or where the Land is to be used by a purchaser whose purpose for the Land is consistent with the Council's strategic objectives for the Land.

Selection of a suitable disposal method will include consideration of (where appropriate):

- the number of known potential purchasers of the Land;
- the original intention for the use of the Land;
- the current and possible preferred future use of the Land;
- the opportunity to promote local economic growth and development;
- legislative and other Policy obligations;
- delegation limits, taking into consideration accountability, responsibility, operation efficiency and urgency of the disposal; and
- the total estimated value of the disposal.

Direct Disposal of Land

Direct disposal of land at or above market value may be an appropriate means for disposal. To avoid doubt, the authorised, or unauthorised occupation of Council land or authorised or unauthorised development on Council land does not, of itself, give rise to circumstances in which the direct disposal of land to the occupier or owner of improvements will be justified.

An assessment process of the direct means of disposal, would give consideration to:

- disposal by merger with adjoining land, where the size or shape of the Council land precludes any development potential on its own;
- disposal by merger with adjoining land where the Council land has no practical access;
- if there is more than one adjoining owner, all adjoining owners will be afforded the opportunity to bid by tender for the land;
- to a Lessee who has constructed significant improvements on the land with Council's consent;
- small land parcels with biodiversity values if, and only if, the land will become part of a Heritage Agreement pursuant to the *Native Vegetation Act 1991* that will also include native vegetation on an adjoining private owners land;
- Land that will become part of a Conservation Park if sold to the Minister to whom the *National Parks and Wildlife Act 1972* is committed;
- Direct disposal to adjoining owners where boundary realignments are surveyed to create allotments with more practical or manageable boundaries; and
- exceptional or other circumstances where Council considers that the benefit to the community of a direct disposal is such that exclusion from normal open and competitive disposal methods is justified, in which case the justification for the direct disposal must be fully documented.

Disposal directives

Council will seek to dispose of land at or above current market value by whichever method is likely to provide Council with the maximum return, unless there are compelling documented and public reasons for the Council to accept:

- either less than the market value of the land; or

- an offer that is less than the highest offer for the land but which is consistent with the Council's overall strategic direction.

If Land is to be disposed of via a select tender or direct disposal, then (unless the Council resolves otherwise) a minimum of two (2) independent Valuations must be obtained to ensure that an appropriate market value is obtained. The independent Valuations must be obtained no more than 6 months prior to the proposed disposal.

If Land is to be auctioned or placed on the open market or disposed of by an expression of interest, then (unless the Council resolves otherwise) a minimum of one (1) independent Valuation must be obtained to establish the reserve price for the Land.

The independent Valuation must be obtained no more than 6 months prior to the proposed disposal.

The Council will not dispose of Land to any Council Member or employee of the Council who has been involved in any process related to a decision to dispose of the Land and/or the establishment of a reserve price.

Contract for Sale - Special Conditions and Repurchase

Where it is in the interests of Council to achieve desired outcomes through a disposal of land process, the following special conditions may be included in a Contract for Sale and Purchase and compliance with those conditions will be at the cost of the purchaser, and may include a requirement that:

- a purchaser will apply to register on the certificate of title a Heritage Agreement pursuant to the *Native Vegetation Act 1991* over a defined area of the land
- a purchaser will apply to register a Land Management Agreement pursuant to the *Planning, Development and Infrastructure Act 2016* on the certificate of title for the land
- a purchaser will apply for development approval pursuant to the *Planning, Development and Infrastructure Act 2016* for the land in order to further an objective agreed between the parties
- a purchaser will register an easement on the certificate of title for the land
- a purchaser will apply to register an access agreement pursuant to the *Recreational Greenways Act 2000* on the certificate of title for the land to ensure continued public access to, or through and across, a defined area of the land; and
- any other special condition included in the contract to protect the interests of the Council and/or community.

In all of these circumstances, the contract may include a right for Council to buy back the land at the transfer price less the administrative costs to Council (as reasonably determined by Council at prevailing commercial rates) where within a documented timeframe, the purchaser has not complied with a commitment to Council by way of a special condition in the contract.

Disposal criteria

Any decision to dispose of land will only be made after considering, where applicable:

Criteria – Social / Environmental	Criteria - Financial / legislative
Any alternative future use of the land that may have priority social benefits	The estimated net proceeds if the land is disposed of
The usefulness of the land	The opportunity to promote local economic growth and development
The original intention for the use of the land	Any trust or encumbrance that may act as a barrier to the disposal of the land
Cultural / historical significance of the land	The current market value of the land
Any impact the disposal of the Land may have on the community	How the net revenue from disposal may be used for the benefit of the community
Ecological values of the land, including future re-wilding / revegetation opportunities	The annual cost of maintenance
Any known contamination of the land	Any Government or other contribution to the acquisition of the land
The results of any community consultation processes	Any other relevant guidelines and policies of the Council including the Council's Community Land Management Plan (CLMP).
Any values related to the <i>Aboriginal Heritage Act 1988</i> that have been identified on the land	The positive or negative impacts the disposal of the Land may have on Council operations
The need to retain the Land for future operational or community benefit or, any duplication of the service provided on or at the Land	The long-term plans and strategic direction of the Council
	Compliance with statutory and other obligations

SUMMARY – DISPOSAL OF LAND

Obligations	Demonstrated value in the expenditure of public money Demonstrated ethical and fair treatment of participants Demonstrated probity, accountability and transparency Recording reasons where contract for disposal is entered into other than as a result of a tender process
Consultation	Disposal of Community Land – per Section 194 of the Act Disposal of exempt land – not legislated but may be undertaken at Council's discretion
Costs	Council - all ancillary costs of preparing its land for disposal including survey and Council valuation. Party - own costs for conveyancing, own Valuation and legal advice.
Consent	Decision of Council (Resolution).
Confidentiality	Released as applicable for public consultation purposes or; following settlement / final decision.
Disposal methods	Open market sale, expressions of interest, select tender, open tender, public auction or direct disposal by negotiation, or unsolicited proposal.
Disposal criteria	Assessed per Policy Summary
Disposal directives	At or above current market value for maximum return; or Compelling reasons to accept either less than the market value of the land or an offer that is less than the highest offer for the land, but which is consistent with the Council's overall strategic direction.
Determination of Value	Select tender or direct disposal - minimum of two (2) independent Valuations. Auctioned, open market or disposal by expression of interest (EOI) - minimum of one (1) independent Valuation.
Date of Valuation	No more than 6 months prior to the proposed disposal (unless the Council resolves otherwise in writing).
Crown Land under Council Care and Control	If the land is not Council owned (Certificate of Title), land cannot be sold to a third party by Council.