

Sale of Minor Council Property Assets Policy

Purpose

This policy governs the process for assessment and sale of surplus Minor Council Property Assets that will protect Council's interests in a fair and transparent manner.

Through this policy, Council is demonstrating its commitment to the responsible management of its property portfolio in accordance with the strategic property objectives set out in the Property Asset Management Strategy:

1. Property assets contribute to economic growth
2. Property assets contribute to the health and social wellbeing of the community
3. Property assets can promote a balance between development and sustainability
4. Property assets contribute to the creative culture of the City
5. Council will optimise the service potential of its property assets

Council has acquired ownership and/or responsibility for these property assets by various means, including:

- acquisition by purchase, agreement or compulsory acquisition
- donation
- Crown grants
- open space contribution
- reserved by subdivision (e.g. roads, drainage reserves, revege strips)
- vesting (e.g. through the road discontinuance process)

As the means by which Council has obtained ownership of land is varied and has occurred over the past century, some Minor Council Property Assets may no longer provide benefit to the community or may not be used or required for the purpose for which they were originally acquired.

From an asset management perspective, Council's property portfolio must meet current service needs whilst providing the flexibility to meet future requirements. This includes taking up the opportunity to sell surplus property assets.

Roads, reserves, revege strips, hiatuses and other pieces of land of unusual shape and/or limited usefulness that are less than 200m² in area (collectively referred to as Minor Council Property Assets in this policy) were originally set aside in early plans of subdivision for a particular purpose such as access or drainage. In many cases these parcels of land are still required for that purpose and need to remain open and available to the public. In situations where a Minor Council Property Asset is no longer reasonably required, it may be considered surplus and suitable for sale in accordance with this policy.

<p>Scope</p>	<p>This Policy applies to Council's small property assets including roads, reserves, revenge strips, hiatuses and other pieces of land of unusual shape and/limited usefulness that are less than 200m² in area (collectively referred to as Minor Council Property Assets in this policy) that are surplus to Council's requirements. It documents the principles to be adopted in determining what constitutes surplus Minor Council Property Assets and how the sale of these are to be undertaken.</p>
<p>Definitions and Abbreviations</p>	<p>Hiatus is a gap in the property cadastre created by measurement errors in plans of subdivision.</p> <p>Minor Council Property Asset includes Roads, Reserves, Revenge Strips, Hiatuses or other pieces of land of unusual shape and/limited usefulness that are less than 200m² in area.</p> <p>Reserve means land reserved on title for the purposes of drainage or other purposes, including Revenge Strips, but not land which is set aside for recreational purposes. For the purposes of clarity, this does not include land which would be commonly considered to be a 'park'. The sale of 'park' land would be investigated through a different process to that described within this policy.</p> <p>Revenge Strip means a small parcel of land or a reserve which has been created by subdivision, generally for the purpose of separating subdivisions.</p> <p>Road for the purposes of this policy has the same definition as that contained within the <i>Local Government Act 1989</i> and the <i>Road Management Act 2004</i>.</p>
<p>Policy Statement(s)</p>	<p>1 PRINCIPLES</p> <p>The key principles that underpin this policy for reviewing, identifying and evaluating Council's property portfolio and determining whether a Minor Council Property Asset is surplus to Council's requirements and suitable for sale (having regard to legislative requirements and existing Council policies, strategies and guidelines) are as follows:</p> <p>These principles include the key concepts of protecting Council's interests in a fair manner:</p> <p>1.1 Protect</p> <ul style="list-style-type: none"> a. Environment - The sale of surplus Minor Council Property Assets should aim to improve the environment and encourage sustainable activities. b. Community Interest/Use - The sale of surplus Minor Council Property Assets should be in the best interest of the wider community having full regard to needs and expectations. c. Legal - Council will ensure compliance with relevant legislation and statutory obligations in the disposal of surplus Minor Council Property Assets. d. Financial - The sale of any Minor Council Property Asset should represent value for money with the aim to achieve a minimum of market value for the land except where there is a clearly demonstrated community benefit in selling the land for less than market value.
	<p>1.2 Fair</p> <ul style="list-style-type: none"> a. Consultation - Ensure appropriate consultation with the community and key

stakeholders and that all relevant comments and representations are taken into consideration.

- b. Transparency - Provide an efficient, consistent and transparent process that will be open to public scrutiny while maintaining appropriate levels of commercial confidentiality.
- c. Equality - Land from surplus Minor Council Property Assets will generally be offered to adjoining property owners on the basis of equitable distribution, except in circumstances where present occupation of greater than 12 years can be demonstrated.

2 POLICY FRAMEWORK

Throughout the life of a Minor Council Property Asset's, there may be a time when it is considered surplus to Council requirements as it is no longer required for access, infrastructure or other strategic purposes.

When a Minor Council Property Asset is declared surplus, Council will consider its discontinuance or change of status (as appropriate) and sale according to this policy. If the Minor Council Property Asset is a Road, a Council resolution is required prior to the discontinuance and sale. A decision to sell any other form of Minor Council Property Asset may be made under delegation.

2.1 Application for Purchase

The process for the sale of a Minor Council Property Asset can be initiated by an adjoining property owner, other interested parties or Council officers. Those parties external to Council will need to complete either an

- Application to Purchase a Minor Council Property Asset – Right of Way; or
- Application to Purchase a Minor Council Property Asset - Revenge Strips, Reserves or Land Size less than 200m²,

on Council's website. The application process may require payment of a non-refundable application fee to Council prior to Council commencing preliminary investigations.

2.2 Declaring a Minor Council Property Asset Surplus

Prior to Council considering a Minor Council Property Asset for disposal, it must be assessed using the Decision Logic Map and Decision Logic Matrix contained within the Property Asset Management Strategy as well as taking into consideration the review criteria and general principles contained in this policy.

If the assessment identifies that the Minor Council Property Asset is no longer be reasonably required for the purpose it was originally set aside for or any other strategic purpose, it may be deemed surplus to Council requirements and the Minor Council Property Asset may be considered suitable for sale. From this point onwards the potential sale of the Minor Council Property Asset would be progressed depending on the status of the land, i.e. Road or Reserve.

On the other hand, if the sale of the Minor Council Property Asset is not considered feasible, any applicant or interested party would be notified in writing of the decision and the reasons for the decision, and no further action would be taken.

2.2.1 Property Assessment Tool

Council's Property Asset Management Strategy details a structured process to guide decision making for property assets which involves the assessment of a property via a Decision Logic Map to determine how critical that property is to Council's core property functions and the role of that property asset in meeting Council's current and future service requirements. The Decision Logic Map provides a series of questions about a property asset to determine the most appropriate management action to undertake (see Appendix A).

The outcome of the Decision Logic Map process is a result that is consistent with the Decision Logic Matrix (see Figure 1) identifying an appropriate management action for a given property asset based on its ability to provide service and its development potential.

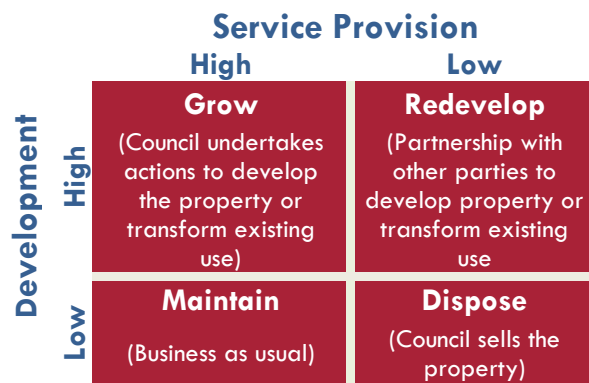


Figure 1 – Decision Logic Matrix

2.2.2 Review Criteria for the Sale of Minor Council Property Assets

The Minor Council Property Asset will be investigated to ascertain its status and whether it may be suitable for sale. This investigation should address the following:

- a. Certificate of Title, including Council ownership and registered encumbrances.
- b. Unregistered encumbrances, including unregistered easements in favour of service authorities.
- c. Zoning: land zoned for public purposes must be appropriately rezoned prior to being offered for sale.
- d. Reasons for the original acquisition and any related obligations.
- e. Potential uses of the site, including the highest and best use of the land and considering the optimum development potential of the land.
- f. Environmental Issues: a historical view and site inspection should be carried out and, if required, a site contamination assessment undertaken. If the land that Council is selling is deemed to be contaminated, a strategy will need to be prepared for the management of that contamination.
- g. Lease and licence agreements, including all associated rights.
- h. Any encroachments on the land and/or rights of adverse possession.
- i. Determining enhancements which may need to be undertaken on the land.
- j. Presentation of the land to expose its best attributes: considerations include repairs, cleaning, clearing of vegetation, painting, pegging of boundaries and associated works.
- k. Servicing of the site, including service authority requirements.
- l. The appropriateness of subdivision of the site and the anticipated costs of

	<p>any associated public works.</p> <ul style="list-style-type: none"> m. Whether the land should be sold subject to an agreement under section 173 of the Planning and Environment Act 1987 in circumstance where Council wishes to control the future use or development of the land. n. Town planning permits should be obtained where required. o. Structural and engineering reports may be required. p. Land to be offered for sale with disclosure of relevant information to enable full and proper due diligence inquiry. q. There is a positive financial return to council after consideration of sale costs unless the land is sold for community benefit.
	<p>2.2.3 General Principles for the Sale of a Minor Council Property Asset</p> <p>The following policy principles will be taken into account when considering the sale of a Minor Council Property Asset:</p> <ul style="list-style-type: none"> a. Discontinuances would generally only proceed where an entire section of Road can be discontinued or the reserve status removed from an entire Reserve. b. The discontinuance of roads that are constructed (i.e. have a surface of bluestone, concrete or asphalt) will only be considered in cases where the road is demonstrably not required for access or where an alternate access can be provided to the satisfaction of adjoining property owners. If the constructed road is on the Council's Register of Public Roads, it will need to be removed from the Register prior to the discontinuance taking effect. c. Land from the discontinuance of the road or removal of reserve status of a Minor Council Property Asset may be retained by Council for its own purposes. d. Land from surplus Minor Council Property Assets will be sold to abutting property owners in accordance with legislative requirements. e. Land from surplus Minor Council Property Assets will be offered for sale at market value plus costs. f. Land from surplus Minor Council Property Assets may be sold for less than market value in cases where a quantifiable community benefit exists, or the land is proposed to be used for services that would otherwise be provided by Council or are complementary to Council services or where there is another equitable interest in that land g. Land from surplus Minor Council Property Assets that are sold for less than market value, as it is to be used for a purpose which provides a community benefit, will be sold with appropriate measures in place (such as an agreement under section 173 of the Planning and Environment Act 1987) to ensure that the land will continue to be used for this purpose. h. Land from surplus Minor Council Property Assets may be sold subject to an easement registered on title in favour of a public authority or Council to protect any right, power or interest in, on, under or over the land. i. Council may remove any bluestone pitchers or other reusable materials upon a Minor Council Property Asset prior to sale. j. Land from surplus Minor Council Property Assets is sold on an as-is basis at the time of transfer with the purchaser responsible for removal of any biological or physical material that may be present. k. Purchasers of land from surplus Minor Council Property Assets will be responsible for arranging for fencing of the land (in accordance with the mutual neighbourly responsibilities set out in the Fencing Act 1968) once the transfer is complete. This would include removal/relocation/reinstatement of fencing along the new boundaries. l. Proposed divisions of Minor council Property Assets may be longitudinal, latitudinal, diagonal or other methods as determined necessary given

	<p>existing conditions and facilitating management and creation of easements.</p> <p>m. The Purchaser, at its cost, must consolidate the land purchased from council into its abutting land title. The consolidated of the titles must occur within 12 months of the transfer of the land from the Council to the purchaser and the Purchaser must provide evidence to Council to confirm the consolidation of the titles.</p>
	<p>2.3 Consultation</p> <p>Council is committed to an inclusive and transparent consultation process with its community and stakeholders that ensures compliance with relevant legislation, internal policies/strategies and Council's Community Engagement Policy. The Statutory requirements for consultation in respect of the sale of Minor Council Property Assets are set out in section 3 of this policy.</p> <p>Council will ensure that it notifies all relevant internal services and all statutory authorities (both written and via 'Dial Before You Dig' searches) and all asset rights are reserved under any Title Plan.</p> <p>Council will undertake a further review of the appropriateness of the application (and land allocation) based on the results of this consultation.</p> <p>2.4 Costs</p> <p>2.4.1 Sale Price</p> <p>The sale price for a Minor Council Property Asset will be established based upon the following considerations:</p> <ol style="list-style-type: none"> a. the current market value of the land as determined by the Council's appointed valuer b. where a sale price less than market value is sought, demonstration and documentation that the sale of the land will provide benefit to the wider community and that these benefits outweighs any loss in financial return c. where the sale of the land at a sale price less than market rent is outweighed by the legal costs to enforce Council's equitable interest in this land d. any ownership rights which may have already accrued by the purchaser for Reserves that are in the name of original subdividers. <p>It is understood that the market value for any given Minor Council Property Asset may vary based on the size of the land, its location, its relationship to the purchaser's land, the size of the purchaser's land and whether or not any easements may be required to be placed on title.</p>
	<p>The market valuation will not be determined on Council obtaining the personal financial records of the Applicant and assessing their financial capacity to purchase the land (and meet all associated costs). It is not Council's role or responsibility to undertake this process and the ability to purchase should be solely at the discretion of the Applicant and/or their financial advisors.</p> <p>The <i>Local Government Best Practice Guideline For Sale/Exchange of Land June 2009</i> provides that a transfer of Council land should generally occur at not less than the market value. Deviation from this policy would only be considered by Council where:</p>

- a community benefit can be documented, and the community benefit outweighs any loss in financial return; or
- another party has a claim of equitable interest in the land

On this basis, an amount lower than the current market value **may** be accepted pursuant to formal resolution at an Ordinary Meeting of the Council after consideration by Council.

2.4.2 Recovery of Sale Costs

Sale Costs are the costs that have been incurred by Council to facilitate the sale of Minor Council Property Assets. Sale Costs include but are not limited to the publication of public notices, legal fees, surveyors fees, valuation costs, conveyancing costs, Council's State Government fees and charges (such as stamp duty, title registration costs and lodgement fees) and any reasonable cost incurred by Council to facilitate the sale of Minor Council Property Assets.

From the date of adoption of this policy, the purchaser of any new sale of Minor Council Property Asset must reimburse to Council 50% of the Sale Costs at the earlier of:

- a. payment of the purchase price at settlement of the sale; or
- b. at or prior to execution of any payment plan agreement

Where land is to be subdivided and sold to multiple purchasers, Sale Costs will be shared equally by the purchasers.

Where all the lots in a discontinued road are not sold, the expenses involved in discontinuing and subdividing the road will be adjusted proportionally in accordance with the proposed subdivision plan.

The allocation of the estimated Sale Costs between multiple purchasers must be agreed by all parties and formalised in a signed 'Letter of Offer'.

2.4.3 Payment Terms

The full purchase price and the purchaser's share of the Sale Costs must be paid by the purchaser to Council prior to the signing of the Transfer of Land documents.

Instalment plans are available to extend the terms of payment of the purchase price, allowing for equal annual payments for a period of up to four (4) years. For Pensioners and Health Care Cardholders, instalment plans are available to extend the terms of payment of the purchase price, allowing for equal annual payments for up to eight (8) years. An additional administration charge is added to the annual payments in order to cover the administration costs required to facilitate such instalment plans.

At the discretion of the Manager, Property & Business Improvement, after taking into consideration any personal circumstances and financial hardship, the standard instalment period of four (4) years may be extended up to a period of six (6) years. Instalment plans are made available at no interest or additional cost (other than Council's Administration fee).

	<p>2.4.4 Goods and Services Tax</p> <p>In accordance with the provisions of the <i>Goods and Services Tax Act 1999</i>, the sale of Council property (other than the sale of existing residential premises), including the sale and discontinuance and sale of roads, attracts GST. Council must ensure that GST is added to the sale price or that the sale price is inclusive of GST.</p>
	<p>2.5 Land Division</p> <p>When offering land for sale, the following principles set out below will apply:</p> <p>2.5.1 Council will first offer parcels of land to those property owners adjoining the Minor Council Property Asset that can demonstrate continuous and exclusive occupation of those parcels for 12 years or more. This rule does not apply if there is a change in ownership of the Applicant's land.</p> <p>2.5.2 Where 2.5.1 does not apply, the land will be offered on the basis of equal distribution to abutting property owners, taking into account:</p> <ul style="list-style-type: none"> (i) Existing property boundaries (try to make neat parcels and maximise street frontage where possible) (ii) Existing structures and the surrounding land (consider how land can be used by purchasers) (iii) The presence of any underground assets (determining the future fence alignment so that it does not encroach on the easement reserved for the underground assets), noting that land will not be subdivided longitudinally where there is an easement running longitudinally along the land. <p>2.5.3 Council will keep the offer to an abutting property owner open for a period of 28 days. Council officers will undertake a site inspection and physically meet with the owner (where possible) where an adjoining owner fails to respond to Council's invitation (or successive notices).</p> <p>2.5.4 It is essential that Council undertake an equity impact assessment and ensure all owners are afforded the same access to information/right to purchase and not be limited by other factors such as language barriers, financial capacity and Covid related issues.</p> <p>2.5.5 If the owner still fails to respond, it may result in Council offering the land to another abutting property owner.</p> <p>2.5.6 If multiple abutting property owners want to purchase the same portion of land and it cannot be divided in a suitable way or an agreement cannot be reached by the parties involved with regards to the division, Council may invite each party to make a tender for purchase of the whole section of land abutting their property within a specific timeframe. The tender process will generally conform with Council's tender submission process.</p> <p>2.5.7 Council will take title to the land created through the discontinuance of a Road or removal of the reserve status of Minor Council Property Assets, where no abutting property owners wish to purchase the land.</p> <p>2.6 Easements, Caveats and Covenants</p> <p>Council reserves the right to place any easement, caveat or covenant on or over the land to be sold from a Minor Council Property Asset as it deems fit in order to protect its interests or the interests of other service authorities who may have assets</p>

	<p>on, below or above the subject land.</p> <p>2.7 Other Provisions</p> <p>2.7.1 Adverse Possession</p>
	<p>Adverse possession is a legal principle that may enable an occupier of a piece of land to obtain titled ownership of that land if they can prove uninterrupted and exclusive possession of the land for at least 15 years. Where the land is encumbered with an easement (such as right of carriageway, road or drainage) proof of non-use for at least 30 years is required to extinguish the easement. The validity of an adverse possession claim is assessed by Registrar of Titles via section 60 of the <i>Transfer of Land Act 1958</i>, however the assessment may be challenged through Court action.</p> <p>Section 7B(1) of the <i>Limitation of Actions' Act 1958</i> protects Council from a claim for adverse possession for land which is registered in the name of Council. This does not protect land which is vested in Council, such as a discontinued Road, but not registered in Council's name.</p> <p>If Council receives a claim for adverse possession over a Minor Council Property Asset, Council may:</p> <ul style="list-style-type: none"> • undertake investigations and assessment of the Minor Council Property Assessment to ascertain the status of the land • seek legal advice on potential options available to Council, including establishing title over the land, placing a caveat on the land; potentially opening up the land for its registered purpose, and possibly evicting occupiers • take action in Court to defend Council's property rights, if required. • resolve the claim by selling the land to the occupying party at either the current market value, or a lesser amount. <p>2.7.2 Occupation of a Minor Council Property Asset</p> <p>Council discourages the unauthorised occupation or encroachment of Minor Property Assets and may take the necessary steps to remove such occupation.</p> <p>2.7.2.1 Occupation of Minor Council Property Assets – Council titled land</p> <p>As noted in section 2.7.1, section 7B(1) of the <i>Limitation of Actions' Act 1958</i> protects Council from a claim for adverse possession for land which is registered in the name of Council</p> <p>Where Council becomes aware of occupation of Council titled land, Council may undertake the assessment contained in section 2.7 of this policy to determine if the Minor Council Property Asset is surplus.</p> <p>If the assessment identifies the land is required by Council, the occupier may be requested to remove all buildings and obstructions from the land and reinstate their fence along the correct property boundary. If the occupier fails to comply with the initial letter of request to remove and reinstate, use the power contained in Council's General Local Law to make this request and also to recover costs from occupiers who refuse to comply.</p> <p>If the assessment identifies that the land is <i>surplus</i> to Council's service</p>

requirements, it may commence a process to sell the Minor Council Property asset or lease or licence the land to abutting property owners for a nominal annual fee that will be determined on a case by case basis, having due regard to the type of occupation.

2.7.2.2 Occupation of Minor Council Property Assets – non-Council titled land

Where Council becomes aware of occupation of non-Council titled land, Council may undertake investigations and assessment of the Minor Council Property Asset to ascertain the ownership and the status of the land; seek legal advice on how to protect Council’s interest in the land, including establishing title over the land, saving easements over the land, potentially opening up the land for its

registered purpose, and possibly evicting occupiers; and consider the potential discontinuance of the road or removal of the reserve status and the subsequent sale of the land at a future date.

2.7.3 Exceptions

An exception to this section is where an abutting property owner that is occupying a Minor Council Property Asset, has agreed ‘in writing’ to purchase the land from Council following discontinuance or removal of reserve status, or has entered into a lease or licence with Council to use the land.

2.7.4 Fencing and Gates

Council has no obligation to construct or maintain fencing on land abutting Roads (Schedule 5 Section 4 of the *Road Management Act 2004*), or public parks or reserves (section 4(2)(c) of the *Fences Act 1968*).

Council will consider the approval/construction of fencing and non-lockable gating of Minor Council Property Assets, for which it is the owner or they vest in Council, when they are sold or licensed to an abutting property owner and where the installation of such will not be detrimental to the access needs of Council, service authorities, emergency services or other property owners, or to stormwater.

3 STATUTORY PROCEDURES – LGA

3.1 Discontinuance and Sale of Roads (Local Government Act 1989)

Pursuant to clause 3 of schedule 10 and sections 206, 207A and 223 of the Local Government Act 1989, Council has the power to discontinue and sell roads.

Council officers will prepare a report for Council consideration and decision to:

- declare that the Road is no longer required as a road and, if the Road is listed on Council register of public roads, remove it from the register; and
- commence the statutory procedures.

Should Council resolve to commence the statutory procedures, it will give publish notice of the proposed discontinuance and sale and the submission process by public notice, including a title plan and details of any easements, in a newspaper generally circulating in the municipality. Such public notice will allow for submissions to be considered in accordance with Section 223 of the Local Government Act 1989.

	<p>If submissions are received a Committee of Council will hear submissions.</p> <p>Whether or not submissions are received, a report will be provided to Council to determine whether the Road will be discontinued and sold.</p> <p>All submitters will be notified of the resolution of Council and the reasons for the decision. If a decision is made not to proceed with the discontinuance and sale, the interested parties will be notified.</p> <p>If Council resolves to proceed with the discontinuance and sale of the land, the matter will advance to the final stages.</p> <p>If the discontinued Road is not sold at the time it is discontinued, its subsequent sale must be carried out in accordance with section 114 of the Local Government Act 2020, rather than the Local Government Act 1989.</p>
	<p>3.2 Sale of Land other than Roads (Local Government Act 2020)</p> <p>Section 114 of the <i>Local Government Act 2020</i> provides that Council has the power to sell land.</p> <p>The statutory procedures under section 114 of the <i>Local Government Act 2020</i> require that Council:</p> <ul style="list-style-type: none"> • publish a notice of its intention to sell the land on the Council's website at least 4 weeks prior to the sale of the land; and • undertake a community engagement process in accordance with its community engagement policy. <p>In contrast to the now repealed Section 189 of the <i>Local Government Act 1989</i>, Section 114 of the <i>Local Government Act 2020</i> does not require Council to publish a public notice in a newspaper circulated within the municipality nor provide for the lodgement of submissions to Council and the consideration of those submissions, pursuant to section 223 of the <i>Local Government Act 1989</i>.</p> <p>Nevertheless, in order to provide a mechanism for feedback from interested parties as part of Council's community engagement process, it is recommended that Council invite both written and verbal submissions on the proposal, and deal with any submissions received, in line with the principles set out in section 223 of the <i>Local Government Act 1989</i>.</p> <p>Under the principles, the notice of intention to sell the Land will afford affected parties the right to lodge a written submission with Council. Submitters may request to be heard by Council prior to a decision being made to proceed or otherwise with the proposal. Any verbal submissions received will be considered by Council's Hearing of Submissions Committee.</p> <p>3.3 Valuation of Minor Council Property Asset (LGA section 114(2)(c))</p> <p>In accordance with section 114(2)(c) of the <i>Local Government Act 2020</i>, a Valuer qualified in accordance section 13DA (1A) <i>Valuation of Land Act 1960</i> will be instructed to carry out a market valuation of the Minor Council Property Asset. This must be carried out not more than six months prior to the sale of the property.</p> <p>Council may choose to keep the valuation confidential prior to the sale of the Minor Council Property Asset.</p>

3.4 Exemptions

Under section 116 of the Local Government Act 2020, Council is exempt from complying with section 114 in respect of the sale of land to any of the following bodies (with or without consideration):

- the Crown;
- a Minister;
- public body;
- trustee appointed under any Act to be held on trust for public or municipal purposes;
- public hospitals detailed in the *Health Services Act*;
- other hospitals carried on by an association or society that is not for profit to members.

3.5 Removal / Vesting of Drainage Reserves (SDA section 20, 24 & 24A)

If the surplus Council Property Asset is a Reserve, Council officers will prepare a report for Council consideration and decision to apply for a planning permit, for removal and/or vesting of the reserve status from the land in accordance with section 24A of the *Subdivision Act 1988*.

A section 24A plan of subdivision will be prepared for certification by Council and lodging at Land Registry. This subdivision plan will remove the reserve status and vest the land in Council.

Council's obligations in accordance with sections 20 and 24 of the *Subdivision Act 1988* with respect to how the proceeds of sale are applied and whether replacement open space must be provided, will depend upon whether this section 24A process is undertaken prior to or as part of the sale process.

3.6 Council Report to Determine the Sale

Following completion of the community engagement process, a report will proceed to Council, summarising the submissions and provide a précis of the Hearing of Submissions Committee meeting where applicable.

Council will consider the submissions and make a decision whether the Minor Council Property Asset will be sold, retained or considered for some other alternative.

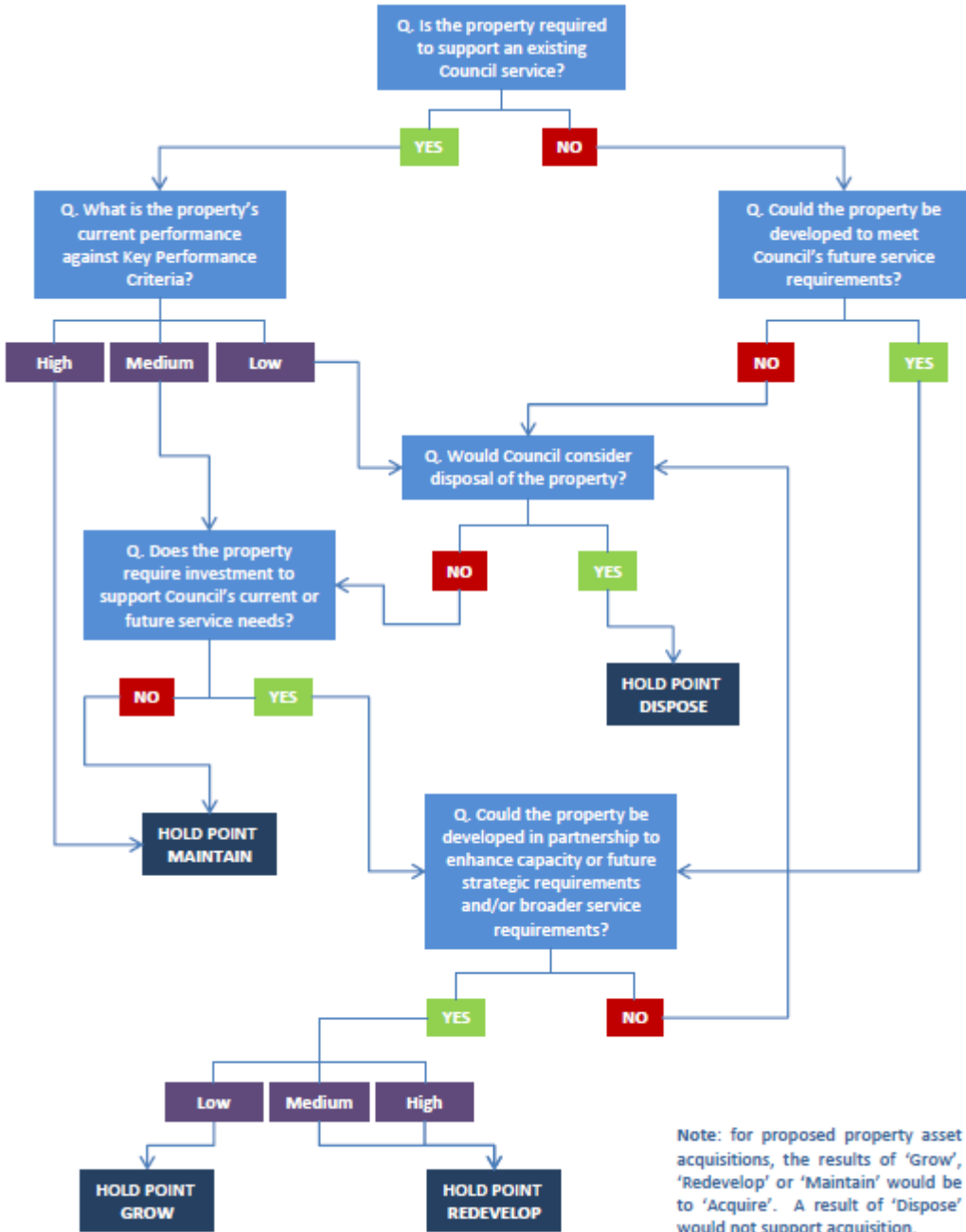
All parties who have made a submission will be notified in writing of the resolution of Council and the reasons for the decision.

<p>Responsibilities</p>	<p>How are individuals responsible for the success of the policy?</p> <p>Each officer is appointed in accordance with Council's Instrument of Delegation August 2020</p> <p>Manager, Property & Business Improvement:</p> <ul style="list-style-type: none"> - implementation and management of this Policy, including review of the policy. - management of the discontinuance and sale of roads as outlined in this policy, to carry out the referral stage and negotiate 'in-principle' agreements for their potential sale. - review of any application for the removal of the reserve status received by the Subdivisions Officer. <p>Strategic Planners, Statutory Planners and Subdivisions Officer</p> <ul style="list-style-type: none"> - management of issuing a permit for removal of the reserve status over land and to vest the land in Council, in consultation with the Manager Property and business Improvement. The removal of the reserve status of land via Section 24A of the Subdivisions Act 1988 will only be exercised in accordance with a Council resolution, Council policy or strategy that identifies the land being surplus to Council requirements. <p>CEO</p> <ul style="list-style-type: none"> - responsible for the signing and sealing of any documents relating to the sale and undertakings in accordance with a Council resolution. <p>Council</p> <ul style="list-style-type: none"> - the decision to give public notice and the final decision to discontinue Minor Council Property Assets and any subsequent sale is not delegated to officers and requires Council resolution.
<p>Breach of Policy</p>	<p>Breaches of policies are treated seriously. Any concerns about non-compliance should be reported immediately to the owner of this policy.</p>

GOVERNANCE

Parent Strategy/ Plan	2014 Asset Management Strategy
Related Documents	<p>This policy should be read in conjunction with Council's:</p> <ul style="list-style-type: none"> • Community Engagement Policy • Council Plan 2021-2025 • Covid-19 Financial Hardship Policy – March 2020 • Road and Place Naming Policy - June 2014 • Road Asset Management Plan - June 2016
Supporting Procedures and Guidelines	
Legislation/ Regulation	<ul style="list-style-type: none"> • <i>Local Government Act 2020</i> • <i>Local Government Act 1989</i> • <i>Subdivision Act 1988</i> • <i>Road Management Act 2004</i> • <i>Transfer of Land Act 1958</i> • <i>Planning and Environment Act 1987</i> • <i>Goods and Services Tax Act 1999</i> • <i>Local Government Best Practice Guideline For Sale/Exchange of Land June 2009</i>
Author	Manager Property and Asset Strategy
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Content enquiries	Manager Property and Asset Strategy

Decision Logic Map – Appendix A



Note: for proposed property asset acquisitions, the results of 'Grow', 'Redevelop' or 'Maintain' would be to 'Acquire'. A result of 'Dispose' would not support acquisition.