



## **COUNCIL POLICY**

# ***SALE AND DISPOSAL OF LAND AND OTHER ASSETS POLICY***

**Approved by:** *Council. 6 August 2001*

Subsequent Amendments:

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## **1. INTRODUCTION**

- 1.1 Section 49 of the *Local Government Act, 1999* requires councils to prepare and adopt policies on contracts and tenders, including policies on the sale or disposal of land and other assets in addition to those matters addressed in the Purchasing Policy.

## **2. POLICY OBJECTIVES**

- 2.1 The objectives of this policy are to ensure Adelaide City Council's processes for calling of tenders for the sale and disposal of land and other assets are fair and transparent and define those circumstances with reasons for sale and disposal methods other than by tender.

## **3. POLICY STATEMENTS**

- 3.1 As defined in the *Local Government Act 1999*, this Policy includes land as a physical entity including buildings, structures or improvements to land or land covered by water or a strata lot or unit.
- 3.2 Land also includes a legal estate or interest such as a leasehold estate. This Policy does not cover easements or rights of way.
- 3.3 For the purposes of this Policy "other assets" includes corporate goods and materials owned by the Council.
- 3.4 Sale and disposal of land and other assets will be consistent with Council's economic, social and/or environmental objectives.
- 3.5 When considering options for the sale and disposal of land and other assets, Council will look for opportunities to advance the objectives of the Council's Strategic Plan.
- 3.6 The process for the sale and disposal of land and other assets will be fair and transparent to ensure Council obtains the best outcomes and price.
- 3.7 Commercial confidentiality will apply to negotiations for sale and disposal of land and other asset transactions unless Council decides otherwise.

- 3.8 In circumstances where there is a sale or disposal other than by tender process, as may be considered and determined by Council on individual case merits, the reasons for entering into such contracts will be recorded pursuant to section 49 of the *Local Government Act 1999*.

#### **4. MAJOR LEGISLATIVE AND CORPORATE REQUIREMENTS**

- 4.1 This Policy complies with the requirements of the *Local Government Act 1999*.

- 4.2 Other major legislative requirements that may be relevant include the following:

- *Real Property Act 1886*
- *Land and Business (Sale and Conveyancing) Act 1994*
- *Development Act 1993*
- *Retail and Commercial Tenancies Act 1995*
- *Residential Tenancies Act 1995*
- *Strata Titles Act 1988*
- *Community Titles Act 1996*
- *Roads (Opening and Closing) Act 1991*

- 4.3 This Policy is to be implemented in conjunction with other relevant Council policies and strategies including the following:

- 2004-2007 Strategic Management Plan
- Purchasing Policy
- Public Communication and Consultation Policy