



WARRNAMBOOL  
CITY COUNCIL

# **Sale and Acquisition of Land Policy**

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## 1. INTRODUCTION

### 1.1. Purpose

The purpose of this policy is to guide and regulate the strategic acquisition and sale of Council Land, ensuring consideration is given to Council strategy, legislation and best practice, transparency, and community need and expectation.

### 1.2. Scope

This policy applies any land that may be the subject of intention to acquire or sell by the Council for strategic purposes.

This policy does not apply to:

- Crown land, including land for which Council is committee of management;
- Land sold by Council for the non-payment of rates;
- Land transferred or exchanged under section 116 of the *Local Government Act 2020*;
- Non-strategic land acquisitions or offloads, for example, that may be required as part of land development and certain subdivisions.

### 1.3. Definitions

Term	Definition
Acquisition	To purchase and hold ownership of a property
Council land	Land owned by a local government for public purposes

### 1.4. References

- Department of Planning and Community Development, Local Government Best Practice Guidelines for the Sale, Exchange or Transfer of Land.
- Local Government Act 2020 (Vic).

## 2. POLICY

Council land needs to respond to and provide for the diverse and evolving needs of the Council and its community both now and into the future. This includes taking up the opportunity to sell surplus Council land as well as strategically acquiring additional land.

Council will sell and acquire land in a considered and responsible manner and in accordance with all relevant legislative requirements.

Council will follow the Sale and Acquisition of Land Procedure when undertaking any strategic acquisition or sale of land.

## 2.1. Sale of Land

For all sales of land, Council must:

- Sell land in accordance with the requirements set out in section 114 of the *Local Government Act 2020*, which includes:
  - at least 4 weeks prior to selling or exchanging the land, Council must publish notice of intention to do so:
    - (i) on the Council's Internet site; and
    - (ii) in any other manner prescribed by the regulations; and
  - undertake a community engagement process in accordance with its community engagement policy; and
  - obtain from a person who holds the qualifications or experience specified under section 13DA(2) of the *Valuation of Land Act 1960* a valuation of the land which is made not more than 6 months prior to the sale or exchange.
- Sell land with consideration first given to overarching governance principles set out in section 7 of the *Local Government Act 2020*, in particular:
  - priority is to be given to achieving the best outcomes for the municipal community, including future generations;
  - the economic, social and environmental sustainability of the municipal district, including mitigation and planning for climate change risks,
  - the municipal community is to be engaged in strategic planning and strategic decision making;
  - the ongoing financial viability of the Council is to be ensured;
  - regional, state and national plans and policies are to be taken into account in strategic planning and decision making;
- Sell at a price consistent with current market value or higher, unless reasonable cause to sell at a lower value can be shown;
- Ensure that selling the land is consistent with Council Plan, the Community Vision and Financial Plan, or other related strategic documents.
- Ensure the sale provides an outcome with a financial and/or community benefit.

### 2.1.1. Sale of Land Considerations

All Council Land should be retained except where it meets at least two of the following criteria:

- The land does not support, facilitate or contribute to current or future service needs;
- The land does not contribute significant economic or environmental benefit to the municipality;
- The land has no long term strategic significance or application to Council, as identifiable in the Council Plan, Community Vision or other related strategic documents.

Consideration should be given to whether the sale of land achieves any of the following principles. The sale:

- Will facilitate and/or promote investment and positive economic development outcomes.
- Has a net realisable value for another purpose which is significantly greater than either the cost of moving a resident service to another location, or any potential future use of the land by Council.
- Is of land identified by Council as being surplus to its needs.
- Will provide benefits to the community either directly or indirectly.

## 2.2. Acquisition of Land

For all strategic acquisitions of land, Council must:

- Acquire land in accordance with section 112 of the *Local Government Act 2020*, and any other relevant legislation.
- Ensure that the land acquisition is consistent with Council Plan, the Community Vision and Financial Plan, or other related strategic documents.
- Require the land for a specific purpose or the acquisition must satisfy or form part of a strategic plan adopted by Council.
- Ensure that all alternate options such as repurposing existing land, or leasing land are explored and exhausted prior to commencing a process of acquisition.
- Seek the best possible value for money and/or undertake a process of cost/benefit analysis on the proposed purchase against other viable options.

## 3. PROCEDURE

Council is to follow the procedures set out in the Sale and Acquisition of Land Procedure 2021 to ensure consistent, fair, transparent and lawful sales and acquisitions of Council land.

## 4. GOVERNANCE

### 4.1. Owner

Manager Governance, Property, Projects and Legal.

### 4.2. Review

The review of this policy will be no later than four (4) years after its formulation or after the last review.

### 4.3. Charter of Human Rights Compliance

It is considered that this policy does not impact negatively on any rights identified in the Charter of Human Rights and Responsibilities Act (2006).

Warrnambool City Council is committed to consultation and cooperation between management and employees. The Council will formally involve elected employee health and safety representatives in any workplace change that may affect the health and safety of any of its employees.

## 5. APPENDICES

Nil.