

Disposal of Land & Other Assets

Classification	Council Policy
Responsible Officer	Group Manager Assets and Infrastructure
Relevant Legislation	<i>Local Government Act 1999; Real Property Act 1986; Land and Business (Sale and Conveyancing) Act 1994; Planning Development and Infrastructure Act 2016; Retail and Commercial Leases Act 1995; Residential Tenancies Act 1995; Strata Titles Act 1988; Crown Land Management Act 2009; Community Titles Act 1986; Roads (Opening and Closing) Act 1991; Land Acquisition Act 1969</i>
Related Policies	Financial Internal Controls Policy; Public Consultation Policy; Budget Management Policy; Fraud and Corruption Prevention Policy
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1. Introduction

- 1.1. Town of Walkerville is committed to establishing a clear, transparent and accountable process for the disposal of land and other assets under its care and control.
- 1.2. This Policy ensures that disposals are carried out in accordance with legal requirements, sound financial management principles and the best interests of the community.

2. Scope

- 2.1. This Policy applies to all disposals of land, buildings, infrastructure, equipment and other assets owned or controlled by the Town of Walkerville, including but not limited to:
 - land and buildings;
 - motor vehicles;
 - machinery and equipment;
 - furniture and fixtures; and
 - any other physical assets.

3. Policy objectives

- 3.1. To ensure that the Council disposes of assets in a manner that maximises value while minimising the risk of asset loss, fraud or misuse.
- 3.2. To comply with the provisions of the *Local Government Act 1999 (SA)*, which regulates the sale or disposal of public assets in South Australia.
- 3.3. To promote the efficient use of Council resources by disposing of assets that are no longer required for Council operations.
- 3.4. To enhance transparency and public confidence in the Council's asset management practices.

4. Policy statement

4.1. Principles

- 4.1.1. The disposal of land and other assets must be guided by the following principles:

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- transparency: all disposals will be conducted transparently, with clear documentation and public accountability;
- accountability: disposals must be in line with Council's responsibilities and objectives, ensuring that assets are disposed of in a manner that reflects the interests of the community;
- best value: the disposal process should ensure that the Council receives the best possible value for the asset, taking into account market conditions and community needs;
- fairness: all disposals will be carried out in a fair and impartial manner, with no conflicts of interest or favouritism; and
- legal compliance: the disposal process must comply with all relevant laws, regulations and Council policies.

4.2. Disposal of land

- 4.2.1. The disposal of land must follow the procedures set out under the *Local Government Act 1999 (SA)*.
- 4.2.2. The Council may dispose of land by:
 - sale or transfer of title;
 - lease or licensing agreements (long-term); or
 - gift or exchange of land.

4.3. Steps for disposal of land

- 4.3.1. Approval process
 - 4.3.1.1 Council approval is required for the disposal of land.
 - 4.3.1.2 A report outlining the rationale for disposal, market value and proposed method of disposal must be presented to Council.
 - 4.3.1.3 Public consultation may be required for certain disposals as per the requirement of the *Local Government Act 1999 (SA)*.
 - 4.3.1.4 If the land forms, or has formed, part of a road or roadway, the Council must ensure that the land is closed in accordance with the provisions of the *Roads (Opening and Closing) Act 1991* before proceeding with its sale or disposal.
 - 4.3.1.5 Where land is classified as community land, Council must ensure that the process for the revocation of the classification of land as community land has been concluded prior to its sale or disposal.
- 4.3.2. Market value assessment

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4.3.2.1 An independent valuation of the land, not older than six months, must be obtained to determine its market value, unless a specific exemption is provided under the *Local Government Act 1999* (SA).

4.3.3. Disposal method

4.3.3.1 Land may be disposed of through public auction, private sale or other methods deemed appropriate by the Council.

4.3.3.2 The disposal method should be determined based on the land's value, use and demand in the market.

4.3.4. Public notice

4.3.4.1 Where applicable, public notice of the proposed land disposal will be given in accordance with the *Local Government Act 1999* (SA).

4.3.5. Documentation

4.3.5.1 All documentation related to the disposal, including valuations, council resolutions and contracts, will be retained for audit and accountability purposes.

4.4. Disposal of other assets (non-land)

4.4.1. For assets such as vehicles, machinery, equipment and furniture, the following procedures apply:

4.4.1.1 Council staff will assess the asset's condition and determine whether it is surplus to requirements or no longer useful for Council operations.

4.4.1.2 Council approval may be required for high-value or significant assets. A report detailing the asset, condition and justification for disposal must be submitted to Council for review and approval unless the disposal of assets is approved through the budgeting process.

4.4.1.3 Low value assets may be disposed of with approval of the CEO.

4.4.1.4 The CEO will not sell or dispose of any asset to an Elected Member, employee or their family members.

4.4.1.5 Assets may be disposed of via:

- public auction;
- sale to the highest bidder;
- donation or gifting (in specific circumstances where appropriate);

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- trade-in or exchange; and
- recycling or scrapping (if the asset has no resale value).

4.4.1.6 For significant assets, an independent valuation may be obtained to ensure a fair market value.

4.4.1.7 All disposals will be documented, including the method of disposal and final transaction details.

4.5. Conflicts of interest

4.5.1. Council officers involved in the disposal process must disclose any potential conflicts of interest. Council will ensure that all disposal decisions are made impartially and free from any undue influence or personal interest.

4.6. Environmental and social considerations

4.6.1. When disposing of assets, Council will consider the environmental impact of the disposal, including:

- promoting sustainability by recycling or donating assets where feasible; and
- ensuring that the disposal aligns with broader social and community objectives, particularly when disposing of publicly held land.

5. Availability of Policy

5.1. This Policy will be available for inspection at Council's principal office during ordinary business hours and on Council's website: www.walkerville.sa.gov.au. Copies will also be provided to interested members of the community upon request and payment of associated fees in accordance with Council's schedule of fees and charges.

6. Review

6.1. This Policy will be reviewed once every four years as a minimum or otherwise as required.

6.2. Any queries or questions regarding this Policy should be directed to the Group Manager Assets & Infrastructure or by emailing walkerville@walkerville.sa.gov.au

6.3. Council may deviate from this Policy by way of Council resolution.

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- 6.4. Any complaints regarding a decision made in accordance with this Policy may be directed to Council or to the Chief Executive Officer in accordance with section 270 of the *Local Government Act 1999*. The complaint will be considered under the Internal Review of Council's Decision Policy.