

	POLICY	Version:	5
	Sale of Land and Assets	Date Adopted:	09 Sep 2025
		Next Review Due:	Sep 2029

1. STATEMENT

Wattle Range Council (Council) is committed to transparent, accountable and consistent processes for the disposal of land, roads and other Council assets.

This policy establishes a framework and key principles for the disposal of Council assets that provides fair, rigorous and equitable process and defines Council's accountability and responsibility in the administration of public assets.

2. DEFINITIONS

Assets – means any items that Council owns or that is recognised by Council's accounting system as an asset. This includes land, buildings, major and minor plant and equipment and all other physical objects. It does not include financial investments or finance related activities.

CWMS – means Council's Community Wastewater Management System.

Employee – means all Council staff, contractors, volunteers and all others who perform work on behalf of Council.

Land – includes assets that are community land, vacant land, operational land, any legal interest in land, and any other land-related or attached assets located on the land such as (buildings and structures).

Plant and Equipment – includes all major machinery and equipment owned by the Council. It includes all trucks, graders, other operating machinery and major plant items with an original value of \$2,000 or more.

Minor Plant and Equipment, Furniture and Fittings – includes all minor plant and equipment with an original value of less than \$2,000. It includes power tools, ladders and other outdoor equipment, office equipment, laptops/computers, mobile communication devices, audio/visual equipment, printers.

Road – a public or private street, road, road reserve or thoroughfare to which public access is available on a continuous or substantially continuous basis to vehicles or pedestrians or both and includes a bridge, viaduct or subway, an alley, laneway or walkway.

3. SCOPE

This policy applies to physical assets owned by Council including land, buildings, plant, equipment, furniture and fittings and other infrastructure.

It does not include:

- land sold by Council for the non-payment of rates or
- the disposal of goods that are not owned by Council, such as abandoned vehicles.

4. PRINCIPLES

4.1 LEGISLATIVE CONTEXT

Section 49(a1) of the *Local Government Act 1999* (the Act) requires Council to develop and maintain policies, practices and procedures directed towards:

- obtaining value in the management of public money

CD:	Classification:	Department:	Position Responsible:	Review Frequency:
49	Public	Corporate Services	Director Corporate Services	4 yearly
Printed copies of this document are uncontrolled, refer to Council's Intranet to verify this is the current version.				

	POLICY	Version:	5
	Sale of Land and Assets	Date Adopted:	09 Sep 2025
		Next Review Due:	Sep 2029

- providing for ethical and fair treatment of participants, and
- ensuring probity, accountability and transparency in all disposal processes.

Section 49(1) of the Act states that Council must prepare and adopt a policy on the sale or disposal of land and other assets.

Section 49(2) requires that the policy must:

- identify the circumstances where Council will sell or dispose of land or other assets
- provide a fair and transparent process for calling tenders and entering into contracts in those circumstances
- provide for the recording of reasons for entering into contracts other than those resulting from a tender process, and
- be consistent with any requirement prescribed by the regulations.

Section 193 of the Act classifies all local government land (except roads) that is owned by Council as community land unless Council has excluded the land from the community land classification. Under Section 194, Council may revoke the classification of land as community land.

Section 201 of the Act makes provision for Council to sell or dispose of an interest in land and sets out the circumstances under which Council can dispose of community land or land forming a road or part of a road.

4.2 POLICY CONTEXT

Council must have regard to the following principles in its disposal of land and assets:

4.2.1 Encouragement of open and effective competition

Disposal of assets should be open and result in effective competition. Council must give fair and equitable consideration to all prospective purchasers.

4.2.2 Obtaining value for money

An assessment of value for money should include consideration of:

- researching the market
- the contribution to Council's strategic management plans
- any relevant direct and indirect benefits to Council
- efficiency and effectiveness
- the costs of differing disposal methods
- Council's internal administrative costs
- risk exposure, and
- the value of any associated environmental benefits.

4.2.3 Ethical behaviour and fair dealing

Council is to behave with impartiality, fairness, independence, transparency and integrity in all discussions and negotiations.

4.2.4 Probity, accountability, transparency and record keeping

Any disposal of land and/or assets shall be undertaken in a manner that ensures:

CD:	Classification:	Department:	Position Responsible:	Review Frequency:
49	Public	Corporate Services	Director Corporate Services	4 yearly
Printed copies of this document are uncontrolled, refer to Council's Intranet to verify this is the current version.				

	POLICY	Version:	5
	Sale of Land and Assets	Date Adopted:	09 Sep 2025
		Next Review Due:	Sep 2029

- clearly established roles and responsibilities
- appropriate record keeping and documentation including a record of the reasons for using a specific disposal method
- transparency of decisions made
- adherence to all legislation
- the identification and management of actual or potential conflicts of interest, and
- the confidentiality of all commercial information.

4.2.5 Environmental protection

Council disposal procedures should promote and support environment protection. In undertaking any disposal activities, Council will promote environmental responsibility.

4.2.6 Council members and Council employees – Disposal of land or assets

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 or who is in a position to know the reserve price.

The Council will not dispose of assets to any Council member or employee of the Council unless the purchase is via a public tender or public auction and the tender submitted or bid made is the highest.

4.3 CONSIDERATIONS PRIOR TO DISPOSAL OF ASSETS

Any decision to dispose and or sell a Council asset should consider the following:

- Consistency with Council's Strategic Management Plans
- Opportunities to enhance local economic development and growth
- Compliance with statutory requirements
- Commercial confidentiality within legislative constraints
- Value and condition of the asset(s) and its remaining useful life
- Cost of the sale against the value or return of the asset
- Urgency of the sale or disposal
- Original intention for the use of the asset when purchased or acquired
- Impact on community and Council operations of disposal
- Risk management and work, health safety requirements of disposal
- Any restrictions, encumbrances, easements, access requirements or liabilities associated with the asset

Council will receive and consider a report from the relevant officer prior to the disposal of Council land, buildings or other assets with a value of \$150,000 or greater. The report will include, but is not limited to, an assessment of the relevant factors outlined above.

4.4 METHODS OF DISPOSAL - ASSETS

The disposal of assets will be the responsibility of the relevant Director who has the necessary delegations and responsibility for the asset.

With consideration of paragraphs 4.1, 4.2 and 4.3 it is the responsibility of the relevant Director to determine the appropriate method of disposal, identification and management of potential risks of the disposal process.

CD:	Classification:	Department:	Position Responsible:	Review Frequency:
49	Public	Corporate Services	Director Corporate Services	4 yearly
Printed copies of this document are uncontrolled, refer to Council's Intranet to verify this is the current version.				

	POLICY	Version:	5
	Sale of Land and Assets	Date Adopted:	09 Sep 2025
		Next Review Due:	Sep 2029

The disposal method chosen must be appropriate to the nature, quantity and location of the goods/items and promote fair and effective competition.

4.4.1 Disposal methods

Council will dispose of assets by one of the following methods as appropriate:

4.4.1.1 Expressions of interest

Seeking an expression of interest (EOI) for the sale of the asset to potential buyers.

At least one independent valuation, unless otherwise specified must be obtained to establish the reserve price for the asset. The independent valuation must be made no more than six months prior to the disposal date.

4.4.1.2 Select tender

Seeking tender bids from a selected group of potential purchasers.

Unless otherwise specified at least one independent valuation must be obtained to establish the reserve price for the asset. The independent valuation must be made no more than six months prior to the proposed disposal date.

4.4.1.3 Open tender

Seeking tender bids through an open tender process.

Unless otherwise specified, at least one independent valuation must be obtained to establish the reserve price for the asset. The independent valuation must be made no more than six months prior to the proposed disposal date.

4.4.1.4 Negotiation

Sale process where Council undertakes market research to determine the price of an asset and then negotiates a sale price with prospective purchasers.

Unless otherwise specified, at least one independent valuation must be obtained to establish the reserve price. The independent valuation must be no more than six months prior to the proposed disposal date.

Sale through negotiation includes:

- with landowners adjoining the land asset or
- with other parties with a pre-existing interest in the asset or
- where the asset is to be used by a purchaser whose purpose for the asset is consistent with Council's strategic objective for the asset or
- for the purpose of exchanging the land asset.

4.4.1.5 Public auction

Selling the assets by public auction process.

Advertising for disposal of the asset through print and other accepted media or by procuring the services of a licensed real estate agent and/or auctioneer in accordance with Council's Procurement Policy.

CD:	Classification:	Department:	Position Responsible:	Review Frequency:
49	Public	Corporate Services	Director Corporate Services	4 yearly
Printed copies of this document are uncontrolled, refer to Council's Intranet to verify this is the current version.				

 Wattle Range COUNCIL	POLICY	Version:	5
	Sale of Land and Assets	Date Adopted:	09 Sep 2025
		Next Review Due:	Sep 2029

At least one independent valuation, unless otherwise resolved by Council, must be obtained to establish the reserve price for the land. The independent valuation must be made no more than six months prior to the disposal date.

Where a public auction fails to realise a sale, when delegated the Chief Executive Officer or delegate may dispose of the land at the best available price, provided the offer is at or above the reserve sale price.

4.4.1.6 Trade-in

Trading in an asset to a supplier as part of a purchase process for another asset.

4.4.1.7 Donation

An asset may be donated to a local community group or other not for profit organisation where that group will benefit from the item/s and the written down value or market value is less than \$1,000. Donations are at the discretion of the Chief Executive Officer.

4.4.1.8 Recycle or disposal to landfill

This method will be used where the item is deemed to obsolescent, no value, unserviceable and beyond economic repair. Disposal by means of recycling and or waste disposal are accepted.

4.4.2 Checks prior to disposal

Prior to the disposal of an asset, the following checks will be carried out to ensure the asset does not contain:

- Confidential documents, material, records, files (electronic or otherwise), papers or anything else deemed confidential by Council.
- Risk management and work health and safety assessments.

4.4.3 Disposal matrix

The table below summarises the disposal methods that are applicable.

DISPOSAL METHOD	ASSET CATEGORY					
	Land	Roads (via opening/closing process)	Buildings & Structures	Plant & Equipment (over \$5,000)	Minor Plant & Equipment, Furniture & Fittings	CWMS
Expressions of interest	✓	X	✓	✓	✓	✓
Select tender	✓	X	✓	✓	X	✓
Open tender	✓	X	✓	✓	X	✓
Negotiation	✓	✓	✓	✓	✓	✓
Public auction	✓	X	✓	✓	✓	X
Trade-in	X	X	X	✓	X	X
Donation	X	X	X	X	✓	X
Recycle or disposal to landfill	X	X	X	X	✓	X

CD:	Classification:	Department:	Position Responsible:	Review Frequency:
49	Public	Corporate Services	Director Corporate Services	4 yearly
Printed copies of this document are uncontrolled, refer to Council's Intranet to verify this is the current version.				

	POLICY	Version:	5
	Sale of Land and Assets	Date Adopted:	09 Sep 2025
		Next Review Due:	Sep 2029

4.5 DISPOSAL - LAND

No Land will be disposed of without a Council resolution relating to the sale.

Where the land forms or formed a road or part of a road, the Council must ensure the land is closed under the *Roads Opening and Closing Act 1991* prior to its disposal (see paragraph 4.6 re disposal of roads).

Where land is classified as **community land**, the Council must:

- undertake community consultation in accordance with section 194 of the Act and Council's community engagement policy
- ensure that the process for the revocation of the classification of land as community land has been finalised prior to its disposal, and
- comply with all other requirements under the Act in respect of the disposal of community land.

4.5.1 Council to not pay disposal costs

Unless Council resolves otherwise, all costs associated with any sale or disposal of land must be borne by the purchaser or realised within the sale price.

Unless Council resolves otherwise, all costs associated with community land revocation or road closure processes must be borne by the purchaser unless the process was initiated by Council and not as a result of a request of the purchaser.

4.6 DISPOSAL - ROADS

Council can dispose of a road in accordance with the requirements of the Roads (Opening and Closing) Act, which sets out the statutory process for closing a road prior to its disposal. A decision made by resolution of Council is required to commence the process.

In most instances, the request to dispose of a road is initiated through a direct approach by the owner of land adjacent to the road. Where the road is deemed by Council to be surplus to requirements, Council will obtain an independent valuation of the land to determine a sale price.

Where multiple adjoining landowners express an interest in purchasing the road, Council will undertake negotiations with the interested purchasers. In determining the preferred purchaser, a competitive process will be followed, and Council will seek to obtain the maximum return for the land unless there are reasons for Council to accept a lesser return that is consistent with Council's overall strategic direction.

4.7 RISK MANAGEMENT/CONFLICT OF INTEREST

A global assessment of the risks associated with asset disposal, including the risk profile of the disposal and any risks associated with the preferred disposal method are considered in the Council's risk management framework.

The officer responsible for the disposal of any Council asset and the relevant Director must ensure that no conflict of interest occurs in or as a result of the asset disposal process. To reduce intended or unintended disposal risk, officers are required to use the conflict of interest declaration form when evaluating the asset disposal processes.

CD:	Classification:	Department:	Position Responsible:	Review Frequency:
49	Public	Corporate Services	Director Corporate Services	4 yearly
Printed copies of this document are uncontrolled, refer to Council's Intranet to verify this is the current version.				

 Wattle Range COUNCIL	POLICY	Version:	5
	Sale of Land and Assets	Date Adopted:	09 Sep 2025
		Next Review Due:	Sep 2029

4.8 EXEMPTIONS FROM THIS POLICY

This policy provides general guidelines to be followed by Council in its disposal activities.

There may be emergencies or disposals in which a tender process will not deliver the best outcome for Council and other market approaches may be more appropriate. In certain circumstance, Council may waive application of this policy and pursue a method that will provide the best outcome for Council.

Only the Chief Executive Officer has the authority to permit an exemption from this policy.

5. REVIEW

This policy will be reviewed every four years. The review will include consultation with ELT, the Audit and Risk Committee, all staff and Council.

6. AVAILABILITY

This policy is available without charge on the Council website: www.wattlerange.sa.gov.au.

A copy of the policy may be purchased from the Principal Council Office upon payment of a prescribed fee in accordance with Council's Schedule of Fees and Charges.

7. REFERENCES & FURTHER READING

References		
Relevant Legislation:	- Local Government Act 1999 (SA) - Roads (Opening and Closing) Act 1991 - Independent Commissioner Against Corruption Act 2012	- Real Property Act 1886 - Land and Business (Sale and Conveyancing) Act 1994 - Crown Land Management Act 2009
Relevant Policies / Procedures / Guidelines	- Asset Policy - Risk Management Policy - Procurement Policy - Internal Control Policy	- Corporate Standards for Employees - Prudential Management Policy - Fraud and Corruption Prevention Policy

CD:	Classification:	Department:	Position Responsible:	Review Frequency:
49	Public	Corporate Services	Director Corporate Services	4 yearly
Printed copies of this document are uncontrolled, refer to Council's Intranet to verify this is the current version.				

 Wattle Range COUNCIL	POLICY	Version:	5
	Sale of Land and Assets	Date Adopted:	09 Sep 2025
		Next Review Due:	Sep 2029

8. ADOPTION & AMENDMENT HISTORY

The table below sets out the adoption, review and amendment history of the policy.

Version No:	Issue Date:	Authorised by:	Description of Change:	Minutes Reference:
1	11 October 2005	Council	Adopted	Folio 3408; Item 13.1.3
2	12 December 2006	Council	Reviewed	Folio 3789; Item 18.1.1
3	14 December 2010	Council	Reviewed	Folio 4496; Item 16.1.7
4	12 January 2012	Council	Reviewed and amended	Folio 4860-4861; Item 10.1
5	09 Sep 2025	Council	Reviewed and amended. Policy title changed.	Folio 11347; Item 15.2.4

CD:	Classification:	Department:	Position Responsible:	Review Frequency:
49	Public	Corporate Services	Director Corporate Services	4 yearly
Printed copies of this document are uncontrolled, refer to Council's Intranet to verify this is the current version.				