
Land & Asset Donation, Sale Or Release Policy

1. INTENT:

This policy sets out guidelines for the donation, sale or release of land assets (with and without improvements) where it can be established that the donation, sale or release provides maximum return to the community either by realising the strongest financial return, or by fulfilling a community service as endorsed by the [2012-2017 Cook Shire Council Corporate Plan](#).

1.1 LEGISLATION AND RELATIONSHIP TO OTHER POLICIES

This policy has been prepared after consideration of the following Council policies and (as amended) pieces of legislation:

- a. the Queensland *Local Government Act 2009* (and associated Regulations);
- b. the Queensland *Finance Accountability Act 2009*;
- c. the Queensland *Statutory Bodies Financial Arrangements Act 1982*;
- d. the Queensland *State Procurement Policy 2010*;
- e. the *Public Records Act 2002*;
- f. the *Cook Shire Council Asset Management Policy*;
- g. the *Cook Shire Council Asset Disposal Policy*;
- h. the *Cook Shire Council Non Current Assets Policy*;
- i. the *Cook Shire Council Leasing Policy*;
- j. the *Cook Shire Council Asset Disposal Policy*;

This policy is not intended to contradict any provision in the above listed policies and legislation, but to provide for further clarification with reference to the disposal of land assets.

2. SCOPE:

This policy applies to all Council land and buildings (improved land) not utilised in endorsed municipal activity.

This policy is not intended to provide operational guidelines and procedures for the disposal of assets (see Council's [Asset Disposal Policy](#)) but to provide guidelines where Council wants to sell, donate or release land, or where Council has been approached by persons who wish to buy, lease, or acquire land.

3. PROVISIONS:

3.1 DEMONSTRATED BEST VALUE

The donation, sale or release (for the purposes of this policy 'the disposal') of land will demonstrate best 'value' for all Shire constituents; be it through the provision of community service, municipal function, or financial return. This policy recognises that land and buildings which are not performing or have no potential in this regard need to be reviewed periodically as part of Council's fiscal and municipal obligation to its constituents.

3.2 POLICY TRIGGERS

This policy triggers in the following situations:

- A) Council identifies a need to dispose of land and/or buildings;
- B) Council is approached by parties interested in acquiring Council land and buildings.

3.3 PROCESS FOR DISPOSAL

Council land and/or buildings will be classified in accordance with the following categories and will be cross-referenced against potential value to the Shire in terms of revenue generation, community service, or municipal function. Where land and/or buildings provide greater benefit to the Shire when not under Council control, Council will dispose of the land/and or buildings in accordance with legislated procedure and exemptions as detailed in Council's [Asset Disposal Policy](#).

3.3.1 Land Categories

Category 1: Community Use Land and/or Buildings

Example: Halls, meeting rooms, established sporting or cultural facilities under Council's direct and indirect control

Category 2: Reserves and Land and/ or Buildings Committed to Municipal Function

Example: Council buildings, depots, airports, road reserves, water and sanitary reserves, some local parks under Council's control

Category 3: Other / Reserves

Example: Land under Council's control or management reserved or zoned for specific purposes i.e. community reserves, national parks etc.

Category 4: Leased or Tenanted Land

Example: Buildings currently leased or rented in pursuit of revenue or community service provision

Category 5 Disposable Land and/or Buildings

Example: Land and/or Buildings under Council's control with minimal restrictions to disposal i.e. freehold land.

3.3.2 Disposal versus Value to the Shire

Land and buildings (the 'property') will be assessed to determine 'Value to the Shire'. The assessment will be supplied to Council to enhance the legislated decision-making process with reference to asset management and disposal. This process will be qualitative and quantitative (will include both financial and social measures) and will incorporate:

1. The municipal requirement the Shire has for the property e.g. the property is needed to provide for sanitary services and water provision.
2. To what extent does the property provide a community service, and how can that community service be valued. Once valued, to what extent will Council subsidise that service as part of its legislated *community service obligation*?

3. Does (or will) the property generate revenue, or does the property incur a loss that is not endorsed as part of Council's legislated *community service obligation* i.e. is that loss more than Council is prepared to subsidise based on the service obtained from the property.

Additional considerations (to be reported on) will include:

1. revenue that can be generated long and/or short term by the disposal i.e. lease versus sale;
2. the land category and whether the disposal of that land is restricted by its current use and/or tenure;
3. native title considerations;
4. whether the land holds development potential in the future if retained by Council;
5. whether the land holds conservation or negotiation value i.e. as offsets to support other development opportunities;
6. will the disposal of the property increase or enhance Council's infrastructure network and can that expansion or enhancement be valued;
7. will the disposal of the property offer clear and demonstrable enhancement to the social, environmental or economic wellbeing of the Shire; and
8. does the disposal demonstrate alignment with the Cook Shire Corporate and Community plans.

Where the land and/or buildings provide greater benefit to the Shire when not under Council's control Council will dispose of the land/and or buildings in accordance with legislated procedure and exemptions as detailed in Council's [Asset Disposal Policy](#).

3.4 COMMUNITY CONSULTATION

No formal community consultation is required when Council is evaluating land for disposal, except where required by legislated provision. Property use is subject to management plans and any public consultation process contained within.

THIS POLICY IS TO REMAIN IN FORCE UNTIL OTHERWISE DETERMINED BY COUNCIL.

Officer responsible for review:	Manager, Corporate Services
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