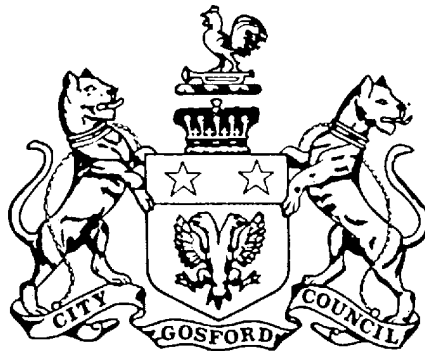




LAND AND PROPERTY TRANSACTIONS



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COMMUNITY GROWTH - PROPERTY & ECONOMIC DEVELOPMENT

POLICY OBJECTIVES

- To maintain and coordinate expeditious negotiations on land and property transactions.
- To undertake land and property transactions transparently with consideration being given to efficiency and benefit to Council.
- To appoint real estate agents who are capable of aggressively selling Council real estate.
- To proceed to compulsory acquisition only in cases where the public interest would be disadvantaged by Council not acquiring the property.

POLICY STATEMENT

The Property Services Unit is responsible for co-ordinating Council's real estate activities, including acquisitions, sales, leases and development, as approved by Council.

PROCEDURE

The procedure (attached), being an administrative process, may be altered as necessary by the Chief Executive Officer.

(Min No 699/1996 - 24 September 1996 - Review of Policies)

(Min No 43/1997 - 4 February 1997)

(Min No 74/1999 – 13 April 1999)

(Min No 239/2000 – 24 October 2000 – Review of Policies)

(Min No 116/2001 – 22 May 2001)

(Min No 122/2002 – 28 May 2002)

(Min No 214/2005 - 8 March 2005 - Review of Policies)

(Min No 311/2009 - 5 May 2009 - Review of Policies)

(Min No 2013/388 - 16 July 2013 - Review of Policies)

ATTACHMENT - PROCEDURE

LAND AND PROPERTY TRANSACTIONS

Acquisition of Real Estate

Council approval will be obtained for the acquisition of all real estate (unless the transfer to Council is pursuant to a condition of development consent or other legislation). Responsibility to prepare the report seeking such approval rests with the program wishing to acquire the land or interest in land. The DRAFT report when prepared by the relevant program is to be referred to the Property Services Unit for vetting to ensure the recommendation is precise from a Real Estate perspective.

Classification procedures are to commence at an early stage.

Owners are to be notified and a sketch plan provided if applicable (ie part acquisition).

If required, a plan of survey is to be prepared as soon as practicable. In this regard the responsible program is afforded the opportunity to have the plan prepared by Council's registered Surveyor, or an outside firm of surveyors.

The owners are to be offered an amount of compensation based on advice received from a registered valuer.

If consideration is being given to the compulsory acquisition of the land, the Chief Executive Officer may vary the amount of compensation offered in an effort to resolve the matter.

The unreasonable refusal or neglect of any owner to concur will not impede the compulsory acquisition process.

Council approval is required before an application is made to the Minister for approval for publication of a Notice of Compulsory Acquisition.

Upon publication of a Notice of Compulsory Acquisition, the Chief Executive Officer is to do all things necessary to resolve the payment of compensation.

Before utilising the land acquisition accounts, it should be determined whether the acquisition can be funded from any of the precinct land development accounts and/or IDO 122 contributions.

"Community" land and land classified as "operational" and which complies with the requirements for a rates/charges exemption, shall be exempt from the payment of rates/charges from the date of acquisition.

DISPOSAL OF REAL ESTATE

Council approval will be obtained for the disposal of all real estate.

A minimum of three (3) local real estate agents are to be invited to make a submission on the disposal of Council owned real estate. The Chief Executive

Officer will appoint the real estate agent who offers the most appropriate marketing strategy and the best terms of sale.

Real estate agents will be assigned for a set period, or as the need arises, and will be selected following a competitive process including calling for expressions of interest.

The Chief Executive Officer is authorised to change real estate agents at the end of the agency agreement.

When selling real estate by public auction, a registered valuer is to be requested to recommend the reserve price. The reserve price is to be placed in two separate sealed envelopes, one marked 'Council', the other marked 'auctioneer'.

The Chief Executive Officer has authority to negotiate the sale of real estate and to allow a 10% reduction on the registered valuer's recommended reserve price.

Note that public auction may not always be the most appropriate method of sale.

When negotiating a sale by private treaty, the Chief Executive Officer has authority to negotiate the sale taking into consideration all valuation advice.

The Chief Executive Officer has authority to dispose of Council owned land if it is deemed the only possible purchaser is the adjoining owner and two (2) registered valuations have been obtained.

VALUATION ADVICE

When transferring real estate, two valuation reports are to be obtained. However, in the case of real estate with a value of less than \$50,000 only one (1) valuation report is required.

Unless there are compelling reasons to the contrary, all valuations are to be no more than three months old.

LEASING OF "COMMUNITY" LAND

Council approval is required for all proposed leases of "community" land for a period exceeding five (5) years.

Public notice must be given of any proposed lease of "community" land. Such notice must be placed on the land, in a local newspaper and sent to all adjoining land owners.

Chapter 6 Part 2 of the Local Government Act 1993 refers to "community" land, and Sections 46A, 47 and 47A refer in particular to leases and licences in respect of community land.

The sale of "community" land is prohibited under the Act.

SHORT-TERM LEASING OF UNUSED PUBLIC ROADS

Unused public roads may be leased for a period not exceeding five (5) years.

Public notice must be given of any proposed lease of the public road. Such notice must be placed on the land, in a local newspaper and sent to all adjoining land owners.

Part 10 Division 2 of the Roads Act 1993 applies to the short term lease of land comprising a public road to the owner of land adjoining the public road if the road is not being used by the public.

Market value is to be applied.

OCCUPATION PRIOR TO ACQUISITION OF LAND

Where the registered proprietor or owner allows pre-acquisition access to Council, the Chief Executive Officer should, wherever practical, obtain from the registered proprietor or owner of the land a Permit to Enter or a Deed which allows the Council such access. The Chief Executive Officer may settle such terms as deemed acceptable, including rent for occupation of the land.

CLASSIFICATION

In the case of acquiring land for community use, the report seeking Council's approval to acquire the land is to indicate that the land upon transfer to Council will be classified as "community" land.

Any land to be acquired by Council in association with a subdivisional consent or approval, whether determined by the Council or by delegation (except land to be dedicated as public reserve), will be deemed to be "operational" land and the proposal to classify the land will be the subject of a public notice.

If no representations are received, or a representation(s) is received and considered by the Chief Executive Officer to be trivial or frivolous, the land will be classified as "operational".

If representations are received objecting to the classification of the land as "operational", Council is required to determine the classification.

Council's land register will be as required by the Local Government Act 1993.

Until a regulation is made, or the Director-General of the Department of Local Government prescribes, the form of a certificate of classification of land will be as approved by the Chief Executive Officer.

The cost of a certificate of classification of land will be as determined by Council in its annual consideration of fees and charges.

If Council is advised by a Minister of the Crown or a Government Department that land will be transferred to Council, eg for water supply or sewerage needs, the Chief Executive Officer will give public notice in a local newspaper that such land will be classified as "operational".

If following public notification there is, in the opinion of the Chief Executive Officer, a bona fide objection to the classification, the Chief Executive Officer will report to Council and Council will be required to determine the classification.

This does not apply to land being transferred as "community" land, eg public reserve.

THE COMMON SEAL OF COUNCIL

Clause 48(4) of the Local Government (Meetings) Regulations 1999 states that 'the seal of a Council must not be affixed to a document unless the document relates to the business of the Council and the Council has resolved (by resolution specifically referring to the document) that the seal be so affixed'.

The Chief Executive Officer has directed that this regulation should be considered when preparing reports to Council if it is likely that a document will require the seal of Council.

The recommendation should read that "the Common Seal of Council be affixed to the documents if required".

GENERAL

The Director - Community Growth will provide a report to Council each six (6) months on the status of all of Council's land and property transactions.