THE BAROSSA COUNCIL
DISPOSAL OF LAND AND OTHER ASSETS POLICY

1.	Purpose

1.1. The purpose of this Policy is to meet Council's legislative responsibility for the disposal of Land or Other Assets.

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

1.2.1 obtaining value in the expenditure of public money; and

1.2.2 providing for ethical and fair treatment of participants; and

1.2.3 ensuring probity, accountability and transparency in all disposal processes.

2.	Scope

2.1. This Policy covers the disposal of Land and Other Assets by Council or Public Officers on behalf of Council.

2.2. This Policy does not cover:

2.2.1. Land sold by Council for the non-payment of rates; or

2.2.2. Disposal of goods, items or other assets which are not owned by Council such as abandoned vehicles, assets at caravan park and the like.

3.	Policy Statement

3.1. Disposal of Land or Other Assets

3.1.1. Any decision to dispose of Land or Other Assets will be made after considering, where it is applicable, the following matters:

a) The usefulness of the Land or Other Asset.
b) The current market value of the Land or Other Asset.
c) The annual cost of maintenance.
d) Any alternative future use of the Land or Other Asset.
e) Any duplication of the Land or Other Asset or the service provided by the Land or Other Asset.
f) Any impact the disposal of the Land or Other Asset may have on the community.
g) Any social, cultural or historical significance of the Land or Other Asset.
h) The positive and negative impacts the disposal of the Land or Other Asset may have on the operations of the Council.
i) The positive and negative impacts the disposal of the Land or Other Asset may have on the operations of the community.
j) The long term plans and strategic direction of the Council;
k) The remaining useful life, particularly of an Asset.
l) A benefit and risk analysis of the proposed disposal.
m) The results of any community consultation process.
n) Any restrictions on the proposed disposal.
o) The content of any community Land Management Plan; and
p) Any other relevant policies of the Council, including:

- Prudential Management Policy
- Non-Current Asset Accounting Policy
- The Objects and Principles of the Planning Development and Infrastructure Act and associated Planning and Design Code for the subject land.

3.2. Council shall have regard to the following principles when proceeding to dispose of Land or Other Assets:

3.2.1. Encouragement disposal / sale processes which are tailored to relevant factors including expected market interest, risks, and value of the Land or Other Asset.

3.2.2. Seeking to maximise value for money which shall include, where applicable:

3.2.2.1 The contribution to Council's long term financial plan and strategic management plans.
3.2.2.2 Any relevant direct and indirect benefits to Council, both tangible and intangible.
3.2.2.3 Efficiency and effectiveness.
3.2.2.4 The costs, including internal costs of various disposal methods.
3.2.2.5 Risks related to the disposal including reputational, environmental, financial, and legal.
3.2.2.6 The value of any associated environmental benefits.

3.2.3 Undertaking disposal with impartiality, fairness, independence, openness, and integrity of processes.

3.2.4 Ensuring adequate processes are in place to ensure probity, accountability, transparency of processes, that they are reported and appropriately documented.

3.2.5 Consider the following matters in choosing a disposal method, where applicable:

3.2.5.1 The number of known potential purchasers of the Land or Other Assets.
3.2.5.2 The original intention for the use of the Land or Other Assets.
3.2.5.3 The current and possible preferred future use of the Land or Other Assets.
3.2.5.4 The opportunity to promote local economic growth and development.
3.2.5.5 Delegation limits, taking into consideration accountability, responsibility, operation efficiency and urgency of the disposal.
3.2.5.6 The total estimated value of the disposal.
3.2.5.7 Compliance with statutory and other obligations.

3.3 Employees shall not dispose of any assets under this Policy where the value of the asset is expected to exceed their expenditure delegations under Section 137 of the Local Government Act..

3.4 All assets will be removed from Councils asset register, where applicable, and accounted for upon disposal in accordance with Australian Accounting Standards.

3.5 Land Disposal

3.5.1 If, pursuant to clause 3.1 above, Land is proposed to be disposed of Council shall:

3.5.1.1 Where it is a road or part of a road, ensure compliance with the requirements of the *Roads (Opening and Closing) Act 1991*.

3.5.1.2 Where the Land is community Land, ensure the compliance with the requirements of the Chapter 11 of the *Local Government Act 1999* .

3.5.1.3 Where Land will be alienated by way of lease, licence, or other legal mechanism follow the requirements of the *Local Government Act 1999, Retail and Commercial Leases Act 1995, Crowns Land Management Act 2009, Native Title (South Australia) Act 1994 and Planning Development and Infrastructure Act 2016*

3.5.2 The following disposal methods shall be considered when **disposing of Land** using the most appropriate method, considering the principles of Clause 3.2 above:

3.5.2.1 **Open Market Sale** – which shall include advertisement for disposal of the Land through the local paper and where appropriate, a paper circulating in the State, or by procuring the services of a licensed real estate agent and/or auctioneer (following compliance with the Council's Procurement Policy).

3.5.2.2 **Expressions of Interest** - seeking expressions of interest for the Land.

3.5.2.3 **Select Tender** - seeking tenders from a selected group of persons or companies.

3.5.2.4 **Open Tender** - openly seeking bids through tenders, including public auction.

3.5.2.5 **Direct Negotiation** – with owners of Land adjoining the Land or others with a pre-existing interest in the Land, or where the Land is to be used by a purchaser whose purpose for the Land is consistent with the Council's strategic objectives for the Land.

3.5.3 No Public Officer or related person or entity related to the Public Officer shall be eligible to participate or to seek any benefit in any capacity under any sale process for disposal of Land assets.

3.5.4 There shall be at least one independent valuation of the value of Land prior to its disposal, except where there is a reliable independent calculation of the Land value and will not be required for road closure disposal matters.

3.6 Other Assets Disposal

3.6.1 The Council will dispose of our common class of Other Assets as outlined in the following table.

Asset	Method
Vehicles – Cars, Utes, Trailers	Trade In or Public Auction
Heavy Vehicles	Trade In or Public Auction
Computer Equipment including desktop, laptop, notebooks and iPads	Return to Lessee or if no commercial value write off or donate to a not for profit organisation or at public action (with preference to Council area organisations)

Mobile Telephone and other mobile technologies	If no commercial value write off or donate to not for profit (with preference to Council area organisations)
Furniture, Fitout or Other Fixtures and Fittings	Public Auction or if no commercial value write off or donate to not for profit (with preference to Council area organisations)
Books, Materials or Other Minor Assets	If no commercial value write off; donate to not for profit (with preference to Council area organisations); provide to community at the free library stands at each library site
Tools, Plant and Equipment	Public Auction or if no commercial value write off or donate to not for profit (with preference to Council area organisations)

3.6.2 The Council will, where appropriate and not covered by Clause 3.5.1 or where it is deemed reasonable, dispose of Other Assets through one of the following methods utilising the principles of the Procurement Framework to inform a process where a market approach is selected under this clause:

3.6.3.1 **Trade-In** – trading in assets to suppliers

3.6.3.2 **Expressions of Interest** – seeking expressions of interest from buyers;

3.6.3.3 Select Tender – seeking tenders from a selected group of persons or companies;

3.6.3.4 **Open Tender** – openly seeking bids through tenders

3.6.3.5 **Public Auction** – advertisement for auction through the local paper and/or the Council Website and, where appropriate, a paper circulating in the State, or procuring the services of an auctioneer (following compliance with the Council's Procurement Policy);

3.6.3.6 **Donation to Not-for-Profit organisations** (either via an Expression of Interest advertised in the local paper or direct approach) operating within the Council area in support of Council's community development strategic goal; or

3.6.3.7 **Write-off** – in accordance with the Non- Current Asset Accounting Policy (in the case of an Attractive Asset which is not covered by the Non-Current Asset Accounting Policy – any faulty or damaged Attractive Asset which carries a potential risk will not be disposed of to a third party – but will be destroyed or scrapped).

3.6.3 No Public Officer or related person or entity related to the Public Officer shall be eligible to purchase Other Assets if they have been involved with the disposal process. For the avoidance of doubt any disposal of Other Assets under this clause may take place where the Public Officer is not involved in the disposal process and the disposal is through a process which allows community members, the public and Public Officers to equal access to participate.

3.6.4 The Council does not warrant any Other Asset disposed of are fit for purpose and will not repair or replace any defective item. A purchaser before taking ownership of the item must complete and sign a 'Asset / Item Disposal Disclaimer Form'.

3.7 Waiver for Disposal Method

3.7.1 Council, the Chief Executive Officer, or relevant Director, on condition the CEO or relevant Director is operating within their respective expenditure delegations' limits may grant a waiver to a dispose of Land or other assets contained within this Policy on condition there are extenuating circumstances that support an alternative disposal methodology which shall be assessed against this Policy position and documented appropriately. A waiver must be documented either through a formal report to Council or through an Asset Disposal Waiver Form to the CEO or relevant Director.

3.7.2 No waiver can be provided where it results in allowing a Council Public Officer to purchase Land contrary to the intent of Clause 3.5.3 or Other Assets contrary to Clause 3.6.3 of this Policy.

4.	Supporting Processes and Documents

4.1. Asset Disposal Form – 13/25592.
4.2. Asset / Item Disposal Disclaimer Form - 14/34472
4.3. Asset / Item Disposal Method Waiver Form – 14/36531
4.4. Community Land Management Plans
4.5. Community Land Register
4.6. Delegations Register – Instrument of Delegation under the Local Government Act 1999

5.	Related Policies

5.1 Public Consultation Policy
5.2 Procurement Policy
5.3 Non-Current Asset Accounting Policy
5.4 Prudential Management Policy
5.5 Motor Vehicle Policy

6.	Legislation and References

6.1. Accounting Standard AASB 116 – Property Plant and Equipment
6.2. Local Government Act 1999
6.3. Real Property Act 1886
6.4. Land and Business (Sale and Conveyancing) Act 1994
6.5. Retail and Commercial Leases Act 1995
6.6. Crown Land Management Act 2009
6.7. Roads (Opening and Closing) Act 1991
6.8. Land Acquisition Act 1969
6.9. Independent Commissioner Against Corruption Act 2012
6.10. Native Title (South Australia) Act 1994
6.11. Ombudsman Act 1972

7.	Review

This Policy will be reviewed by [the Council / Document Control Officer] in consultation with the relevant stakeholders, within four (4) years or more frequently if legislation or Council's need changes.

8.	Further Information

8.1. This Policy is available on Council's website at www.barossa.sa.gov.au. It can also be viewed electronically at Council's principal office at 43-51 Tanunda Road, Nuriootpa and all Council branches, during ordinary business hours. A copy of this Policy can be obtained at those venues upon payment of a fixed fee.

8.2. Complaints regarding this Policy or its application can be made to the Customer Service team on 8563 8444 or barossa@barossa.sa.gov.au at first instance, who will refer you to the most appropriate officer according to Council's *Customer Service Policy* (see clause 8.1 above for availability).

9. Document Control

Corporate Plan Link:	4.1 Governance and Organisation - Responsibility				
Document Owner:	Chief Executive Officer			**Document Control Officer:**	Manager Financial Services
Consultation Rating:		**Audience:**	**Internal and External**	**Next Review Date:**	TBA

Version history

Version No.	**Date**	**Description of Change**
5.0	May 2023	Rewrite Policy into new template, align to updated legislation, improve readability, and remove process related statements.
4.0	October 2018	Policy review included: • Minor updates to Other Assets, Community Land, Not for Profit, Volunteers of The Barossa Council definitions • Added clarification of clause 4.4 Accounting for Disposal of Attractive Assets and Other Assets. Tidy up of clause 4.4.1 Land Disposal.
3.0	10/9/2014	Policy reviewed in line with current legislation and best practice.
2.0	20/11/2012	Renamed policy to Disposal of Land and Other Assets Policy. Policy reviewed in line with current legislation and best practice.
1.0	18/12/2007	Recording, Tracking & Disposal of Non-current assets

10. Definitions

Land	Land includes community land, vacant land, operational land, road reserves, any legal interest in land, and any other land-related assets, including all buildings (community and operational) on Land.

Other Assets	Other Assets are any items owned by Council and used to deliver the services of Council including but not limited to: • Plant and Equipment • Furniture and Fittings • Attractive Assets • Other assets - where they meet the accounting recognition requirements - held by Council as inventory or stock such as materials and other consumables. (refer to the Asset Classification, Capitalisation and Depreciation table in the Non-Current Asset Accounting Policy for further detail).
Community Land	All land owned or under council's care, control and management unless the land has been excluded pursuant to Section 194 of the Act.
Non-profit association	Non-profit association means a body (whether corporate or unincorporate)— (a) that does not have as its principal object or 1 of its principal objects the carrying on of a trade or the making of a profit; and (b) that is so constituted that its profits (if any) must be applied towards the purposes for which it is established and may not be distributed to its members; and (c) that may also have Charitable Status as determined by the Australian Charities and Not-for-profits Commission (ACNC).
Attractive Assets	A non-consumable item of a portable and attractive nature which is not capitalised as per the Non-current Asset Accounting Policy(eg equipment, furniture, excess materials, second hand library books) which include: • Portable information technology such as laptops, Toughbooks, iPads and notepads etc • Small plant and equipment such as mobile phones, recording devices, etc.
Public Officers of The Barossa Council	Council's Elected Members, Committee Members, Employees, Authorised Agents, and Contractors undertaking work on behalf of Council including Volunteers.