



AGENDA

FOR POLICY AND PLANNING COMMITTEE MEETING TO BE HELD ON

20 MAY 2024 AT 6.30 PM

**IN LITTLE PARA CONFERENCE ROOMS, SALISBURY COMMUNITY HUB,
34 CHURCH STREET, SALISBURY**

MEMBERS

Deputy Mayor, Cr C Buchanan (Chairman)
Mayor G Aldridge
Cr B Brug
Cr L Brug
Cr J Chewparsad
Cr A Graham
Cr K Grenfell
Cr D Hood
Cr P Jensen (Deputy Chairman)
Cr M Mazzeo
Cr S McKell
Cr S Ouk
Cr S Reardon

REQUIRED STAFF

Chief Executive Officer, Mr J Harry
Deputy Chief Executive Officer, Mr C Mansueto
General Manager City Infrastructure, Mr J Devine
General Manager Community Development, Mrs A Pokoney Cramey
General Manager City Development, Ms M English
Manager Governance, Mr R Deco
Team Leader Council Governance, Ms J O'Keefe-Craig
Governance Support Officer, Ms K Boyd

APOLOGIES

LEAVE OF ABSENCE

PRESENTATION OF MINUTES

Presentation of the Minutes of the Policy and Planning Committee Meeting held on 15 April 2024.

REPORTS

Administration

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- 1.0.2 Review of Council's Disability Access Inclusion Network 11

For Decision

- 1.1.1 Policy Review - Disposal of Land..... 15

QUESTIONS ON NOTICE

There are no Questions on Notice.

MOTIONS ON NOTICE

There are no Motions on Notice.

OTHER BUSINESS

(Questions Without Notice, Motions Without Notice, CEO Update)

CLOSE



**MINUTES OF POLICY AND PLANNING COMMITTEE MEETING HELD IN
LITTLE PARA CONFERENCE ROOMS, SALISBURY COMMUNITY HUB,
34 CHURCH STREET, SALISBURY ON**

15 APRIL 2024

MEMBERS PRESENT

Deputy Mayor, Cr C Buchanan (Chairman)
Mayor G Aldridge
Cr B Brug
Cr L Brug
Cr J Chewparsad
Cr A Graham
Cr K Grenfell
Cr D Hood
Cr P Jensen (Deputy Chairman) (*from 6.33pm - via Teams Video Conferencing*)
Cr M Mazzeo
Cr S McKell
Cr S Ouk
Cr S Reardon

STAFF

Chief Executive Officer, Mr J Harry
Deputy Chief Executive Officer, Mr C Mansueto
General Manager City Infrastructure, Mr J Devine
A/General Manager Community Development, Ms C Giles
General Manager City Development, Ms M English
Manager Governance, Mr R Deco
Team Leader Council Governance, Ms J O'Keefe-Craig
Governance Support Officer, Ms K Boyd
Team Leader Strategic Urban Planning, Ms S Jenkin
Manager Engineering Assets and Systems, Mr M Purdie
Manager Infrastructure Delivery, Mr J Collins
Manager Urban, Recreation and Natural Assets, Mr J Foong
Manager Strategic Development Projects, Ms S Klein
Manager City Shaping, Mr L Lopez Digon
Senior Strategic Planner, Mr D Tian
Senior Social Planner, Ms L Grant
Manager Community Health and Wellbeing, Ms V Haracic
Manager Finance and Procurement Services, Ms K George

The meeting commenced at 6.30pm.

The Chairman welcomed the Elected Members, members of the public and staff to the meeting.

APOLOGIES

Nil

LEAVE OF ABSENCE

Nil

PRESENTATION OF MINUTES

Moved Mayor G Aldridge
Seconded Cr S Reardon

The Minutes of the Policy and Planning Committee Meeting held on 18 March 2024, be taken as read and confirmed.

CARRIED

REPORTS

Administration

1.0.1 Future Reports for the Policy and Planning Committee

Cr P Jensen entered the meeting at 6.33pm via Teams VC.

Moved Cr K Grenfell
Seconded Cr B Brug

That Council:

1. Notes the report.

CARRIED

1.0.2 Recommendations of the Intercultural Strategy and Partnerships Sub Committee meeting held on Monday 8 April 2024

Moved Cr J Chewparsad
Seconded Cr L Brug

The information contained in the Intercultural Strategy and Partnerships Sub Committee of the meeting held on 8 April 2024 be received and noted with respect to the following recommendations contained therein to be adopted by Council:

CARRIED

ISPS1 Future Reports for the Intercultural Strategy and Partnerships Sub Committee

Moved Cr J Chewparsad
Seconded Cr L Brug

That Council:

1. Notes the report.

CARRIED

For Decision

1.1.1 Draft City Plan 2040 - For Consultation

Moved Cr C Buchanan
Seconded Mayor G Aldridge

That Council:

1. Approves the Draft City Plan 2040 for the purposes of community consultation, as contained in Attachment 1 (Item No. 1.1.1, Policy and Planning Committee, 15 April 2024).
2. Approves the Draft Communications Plan to be implemented for community consultation, as contained in Attachment 3, (Item No. 1.1.1, Policy and Planning Committee, 15 April 2024).

CARRIED
UNANIMOUSLY

1.1.2 1113-1131 Port Wakefield Road, Employment Land Code Amendment

Moved Mayor G Aldridge
Seconded Cr S McKell

That Council:

1. Approves the draft submission on the 1113-1131 Port Wakefield Road Employment Land Code Amendment as provided in Attachment 1 (Item No. 1.1.2, Policy and Planning Committee, 15 April 2024).
2. Authorises the Chief Executive to finalise the draft submission for the Code Amendment and include any relevant feedback on the 1113-1131 Port Wakefield Road Employment Land Code Amendment.

CARRIED

1.1.3 Ancillary Accommodation and Student Accommodation Definitions Review Code Amendment - Early Commencement - Chief Executive Department for Trade and Investment

Moved Cr C Buchanan
Seconded Cr S Ouk

Item Deferred for consideration at the April Council meeting.

CARRIED

Cr L Brug left the meeting at 7:01pm.

1.1.4 Draft Strategic Asset Management Plan 2024/2025

Moved Cr K Grenfell
Seconded Cr S Reardon

That Council:

1. Notes that in line with Section 126 (4)(b) of the *Local Government Act 1999* the Draft Strategic Asset Management Plan 2024/25 was presented to the Audit and Risk Committee in April 2024 for comment and noting.
2. Approves the Draft Strategic Asset Management Plan 2024/25 included in Attachment 1 of this report (Item 1.1.4, Draft Strategic Asset Management Plan 2024/25, Policy and Planning Committee, 15 April 2024) for the purpose of public consultation, as part of Council's Strategic Management Plans.

CARRIED

QUESTIONS ON NOTICE

There were no Questions on Notice.

MOTIONS ON NOTICE

There were no Motions on Notice.

OTHER BUSINESS

(Questions Without Notice, Motions Without Notice, CEO Update)

There were no Other Business items.

Cr L Brug returned to the meeting at 7:07pm.

ORDERS TO EXCLUDE THE PUBLIC

1.4.1 Recommendations of the Confidential Intercultural Strategy and Partnerships Sub Committee meeting held on Monday 8 April 2024

Moved Cr K Grenfell
Seconded Cr S Reardon

The Policy and Planning Committee orders

1. Pursuant to Section 90(2) and (3)(a) of the Local Government Act 1999, it is necessary and appropriate to exclude the public for the consideration of Agenda Item 1.4.1 Recommendations of the Confidential Intercultural Strategy and Partnerships Sub Committee meeting held on Monday 8 April 2024 with the exception of the following persons:

- *Chief Executive Officer*
- *Deputy Chief Executive Officer*
- *General Manager City Infrastructure*
- *A/General Manager Community Development*
- *General Manager City Development*
- *Manager Governance*
- *Team Leader Council Governance*
- *Governance Support Officer*
- *Team Leader Strategic Urban Planning*
- *Manager Engineering Assets and Systems*
- *Manager Infrastructure Delivery*
- *Manager Urban, Recreation and Natural Assets*
- *Manager Strategic Development Projects*
- *Manager City Shaping*
- *Senior Strategic Planner*
- *Senior Social Planner*
- *Manager Community Health and Wellbeing*
- *Manager Finance and Procurement Services*

CARRIED

The meeting moved into confidence at 7.10pm.

The meeting moved out of confidence and closed at 7.11pm.

CHAIRMAN.....

DATE.....

ITEM	1.0.1
	POLICY AND PLANNING COMMITTEE
DATE	20 May 2024
HEADING	Future Reports for the Policy and Planning Committee
AUTHOR	Michelle Whibley, PA to General Manager, City Development
CITY PLAN LINKS	4.2 We deliver quality outcomes that meet the needs of our community
SUMMARY	This item details reports to be presented to the Policy and Planning Committee as a result of a previous Council resolution. If reports have been deferred to a subsequent month, this will be indicated, along with a reason for the deferral.

RECOMMENDATIONThat Council:

- Notes the report.

ATTACHMENTS

There are no attachments to this report.

- BACKGROUND**

- Historically, a list of resolutions requiring a future report to Council has been presented to each committee for noting.

- REPORT**

- The table below outlines the reports to be presented to the Policy and Planning Committee as a result of a Council resolution.

Meeting Item	Heading and Resolution	Officer
25/07/2022 US-MON1	District Level Playground for Amsterdam Reserve 2. Requests Administration to provide the draft Master Plan and associated costings to the Policy and Planning Committee meeting in six months' time.	Jon Foong
Due:	May 2024	
Revised:	June 2024	
Reason:	Following consultation with Thomas Moore College administration are preparing a report with outcomes to be presented to the June Urban Services Committee.	

28/08/2023 CNL-MON1	Motion on Notice: Major Events Waste Recycling 4. Requests the Administration to present a report to the Policy and Planning Committee on event waste management. Due: June 2024	Amy Pokoney-Cramey
18/12/2023 MWON2	Royal Commission into Domestic, Family and Sexual Violence 3. Consider the recommendation of the Royal Commission and requests the administration to bring back a report for information regarding opportunities arising from the Royal Commission recommendations. Due: May 2025	Amy Pokoney-Cramey
25/03/2024 P&P- MWON1	Motion Without Notice: Cr C Buchanan: Affordable Housing Outcomes and Short Term Accommodation 1. Requests Administration to present a report in April 2024 with opportunities to increase affordable housing outcomes (including modular type housing) and short term accommodation as part of the Strategic Land Review 5-year Action Plan and proposed amendments to be reflected in our Draft City Plan under the Welcoming and Liveable City pillar. Due: May 2024 Revised: June 2024 Reason: Further investigations on appropriate land parcels is being undertaken.	Sharee Klein

4. CONCLUSION / PROPOSAL

- 4.1 Future reports for the Policy and Planning Committee have been reviewed and are presented to Council for noting.

ITEM	1.0.2
	POLICY AND PLANNING COMMITTEE
DATE	20 May 2024
HEADING	Review of Council's Disability Access Inclusion Network
AUTHORS	Michael Taggart, Inclusion Project Officer, Community Development Myfanwy Mogford, Diversity & Inclusion Project Officer, Community Development
CITY PLAN LINKS	1.2 The health and wellbeing of our community is a priority 1.3 People are valued and they feel safe, included and connected 1.5 Our community is resilient and adaptive to change
SUMMARY	This report provides Council with a review of the Disability Access and Inclusion Network (DAIN), recent areas of focus and suggestions to increase the engagement of DAIN.

RECOMMENDATIONThat Council:

1. Notes the report.

ATTACHMENTS

There are no attachments to this report.

1. BACKGROUND

- 1.1 Following recommendations of the Council meeting held on Monday 23 October 2023, the Council resolved (*Resolution Number*): 0507/2023:

OBI Review of Council's Disability Access Inclusion Network

Moved Cr C Buchanan

Seconded Cr A Graham

1. *Requests the Administration to bring back a report to the Policy and Planning Committee reviewing Council's Disability Access Inclusion Network (DAIN).*
 2. *The review to include exploring opportunities how we can increase the frequency and types of projects that Council consults on, encouraging more participation in DAIN.*
 3. *Requests staff to invite Mr Damien Porter to join DAIN.*
- 1.2 The Disability Access and Inclusion Network was formed in 2015 to provide Council and the Administration with a mechanism for seeking feedback from community members with lived experience of disability.
 - 1.3 Council's Access and Inclusion Plan has provided the framework for engagement with the DAIN and initiatives that they focus their attention on.

1.4 Snapshot of DAIN:

- Total members: 49.
- Average meeting attendance: 12.
 - Resident members: 8.
 - Organisations representatives: 2.
 - Council staff: 2.

DAIN activity in 2023 and YTD 2024

1.5 In 2023 there were 4 formal meetings, plus 2-4 working and co-design sub-group meetings.

1.6 In 2024 there have been 2 formal meetings, plus 1 co-design working group meeting. There are 3 formal meetings planned for the remainder of 2024, plus other ad-hoc co-design and working group meetings.

Guest speakers in the past 18 months have included City of Salisbury staff:

- Rudi Deco, Manager – Governance;
- Jarred Collins, Manager – Infrastructure Design and Delivery;
- Craig Johansen, Team Leader – Streetscape and Open Space Assets
- Amy Pokoney-Cramey, General Manager – Community Development;
- Josh McDonnell, Senior Social Planner; and
- Two representatives of the Community Bridging Service (a DAIN organisational member.)

1.7 Over the last few years DAIN members have been involved in providing advice to the administration on a wide range of projects and strategies. Topics discussed include:

- Salisbury Aquatic Centre design;
- Promoting DAIN in the community to increase engagement;
- Footpath Trading in Salisbury City Centre and Mawson Lakes site tour and recommendations;
- THRiVE strategy and inclusion of residents with disability;
- Streetscape asset design and condition;
- Church Street & John Street Upgrade; and
- Playspace design in playground within City of Salisbury.

2. CITY PLAN CRITICAL ACTION

2.1 Implement the ‘Ability Inclusion Strategic Plan’, including providing more equipment in our playgrounds that is able to be used by people with different abilities.

3. DISCUSSION

- 3.1 The Disability Access Inclusion Network (DAIN) was formed in 2015 and has been increasingly engaged since 2022.
- 3.2 DAIN members have advocated for, and begun to use elements of co-design since their engagement with the design of the Salisbury Aquatic Centre and are continuing this approach in their recent review of the Ability Inclusion Strategic Plan. The administration also uses co-design principles to increase access and inclusion in events, services, programs and strategies. This strengthens DAIN members' influence and makes DAIN more attractive to community members living with disability.
- 3.3 Resident membership has grown over the years and members skills have developed to contribute quality advice on technical aspects of projects.
- 3.4 Staff are seeking advice from DAIN more frequently. In 2023 all staff attended Mandatory Disability Inclusion Training which raised the awareness of the importance of universal design across infrastructure, programs, services and events, and the crucial role of early engagement of DAIN. Staff are now seeking advice from the early concept stages in projects such as John and Church Street upgrade, Thrive Strategy and the Salisbury Aquatic Centre. The frequency and extent of projects that DAIN is consulted on has now increased.
- 3.5 The Universal Design Guidelines provide future opportunity for DAIN member participation in project and plan development particularly on major infrastructure projects.
- 3.6 DAIN members have been consulted on how Council might increase the frequency and extent of participation that DAIN provides. The following suggestions have been developed:
 - 3.6.1 Members should be involved from the earliest stage of conceptual development through to any review of the project or plan
 - 3.6.2 DAIN members are more likely to be engaged in these processes if they are recognised and valued, for example by:
 - Being briefed by staff who are able to explain jargon and technical concepts;
 - Receiving timely feedback on the results of their input;
 - Consideration of financial reimbursement for their consultancy role and providing their expertise and time when their input is in a project requiring several meetings and preparation. Opportunities for paid consultancy roles for people with lived experience on large scale projects should be considered;
 - Not being 'overused', which depends on growing the number of DAIN members; and
 - DAIN members value having more opportunities to engage with elected members, for example by presenting at a CEO Briefing Session for Elected Members.

DAIN Membership

- 3.7 In the last 18 months, DAIN membership has grown by two new members with lived experience of disability. One of these members has been appointed as the first Deputy Chair of DAIN.
- 3.8 New members of DAIN are welcomed to join and to contribute to the projects of DAIN and the projects and services of Council.

4. CONCLUSION

- 4.1 The administration has conducted a review of DAIN and investigated ways to increase the frequency and extent of DAIN's participation.

ITEM	1.1.1 POLICY AND PLANNING COMMITTEE
DATE	20 May 2024
HEADING	Policy Review - Disposal of Land
AUTHOR	Tim Starr, Team Leader, Property, City Development
CITY PLAN LINKS	4.2 We deliver quality outcomes that meet the needs of our community
SUMMARY	Council Policies are subject to reviews and re-adoption by Council. This report outlines the updates from the review of the Disposal of Land Policy for consideration and adoption.

RECOMMENDATION

That Council:

1. Adopts the Disposal and Acquisition of Land and Assets Policy as outlined in (Attachment 2 - Item No. 1.1.1, Policy and Planning Committee, 20 May 2024).

ATTACHMENTS

This document should be read in conjunction with the following attachments:

1. Attachment 1 - Disposal of Land Policy June 2021 [↓](#) 
2. Attachment 2 - Disposal and Acquisition of Land and Assets Policy 2024 [↓](#) 

1. BACKGROUND

- 1.1 Council first adopted the Disposal of Land Policy in July 2018.
- 1.2 Council's Disposal of Land Policy provides direction to staff outlining the principles and processes to be followed in relation to the disposal of land.
- 1.3 The policy considers all land held within Council's ownership whether as community land, road and road reserves, any legal interest in land, including buildings, structures, improvements and leasehold interests on land.
- 1.4 The policy also outlines how net proceeds will be treated.
- 1.5 Council's Policy Governance Framework provides for Council policies to be reviewed and adopted within 12 months of a Council election.
- 1.6 The Disposal of Land Policy was last reviewed in June 2021 and is contained in Attachment 1 – Disposal of Land Policy June 2021.

2. EXTERNAL CONSULTATION / COMMUNICATION

- 2.1 Nil

3. DISCUSSION

- 3.1 Council is the custodian of Land and Assets held on behalf of the community.
- 3.2 The *Local Government Act 1999 (SA)* (the Act) sets out Council's responsibilities in relation to the management of Land and Assets including:
 - 3.2.1 Council must seek to ensure that Council resources are used fairly, effectively and efficiently (Section 8(h) of the Act).
 - 3.2.2 Council is required to develop a policy for contracts and tenders when disposing of Land or Assets to ensure ethical and fair treatment of participants and probity, accountability and transparency in all disposal processes (Section 49 of the Act).
 - 3.2.3 Council is required to ensure appropriate policies, practices and procedures of internal controls are implemented and maintained to safeguard the Council's Assets (Section 125 of the Act).
- 3.3 A thorough examination of the current Land Disposal Policy has been conducted to ensure alignment with the Council's strategic objectives and adaptations to evolving practices.
- 3.4 The term "*Asset*" has been included in the policy, where asset is defined as buildings, structures, improvements and leasehold interests on land that the Council owns and that has at any time been treated pursuant to the Australian Accounting Standards as an 'asset'. This also includes roads, but excludes plant and equipment, fleet assets, bridges, other public realm infrastructure, trees or public art.
- 3.5 The existing policy considers land to be community land, Council owned land, road and road reserves, any legal interest in land, and any other land-related assets including buildings on land. The proposed policy identifies and defines "*Asset*" separately which clearly outlines the intent of disposal and acquisition of an Asset in the context of land.
- 3.6 The most significant change proposed is the addition of land acquisition to the policy.
- 3.7 Whilst Council has always had the ability to acquire Land and Assets the policy has not reflected this.
- 3.8 The proposed policy sets out this addition in paragraphs 5.20 to 5.21 as follows:
 - 3.8.1 *Council may acquire Land to achieve strategic, commercial or community outcomes that align with Council's Strategic Plan. The following criteria will be used to assess the acquisition of Land and Assets:*
 - *Alignment with Council's strategic drivers.*
 - *Potential to add value and support Council's strategic objectives.*
 - *The ability to unlock supply.*
 - *Creation of new commercial and financial value.*
 - *Provision of community benefits and public value.*
 - *Potential to consolidate Land or Assets with Council's existing holdings.*

- 3.8.2 *The land can be released to the market for sale, subject to clearly defined Council requirements as to development outcomes.*
- 3.9 A report will be presented to Council for consideration of any acquisition or disposal of Land and Assets. This will include recommendations to implement public consultation in accordance with Council's Public Consultation Policy.
- 3.10 The proposed Disposal and Acquisition of Land and Assets Policy is contained in *Attachment 2 – Disposal and Acquisition of Land and Assets Policy*.
- 3.11 In summary the proposed changes to the existing Land Disposal Policy include the following:
- 3.11.1 Additional of the function of land acquisition to the policy.
 - 3.11.2 Addition of “*Asset*” as a definition and inclusion in policy.
 - 3.11.3 Change of title of the policy from Disposal of Land Policy to Disposal and Acquisition of Land and Assets Policy.
 - 3.11.4 Responsible Division has been changed from City Infrastructure to City Development as a result of the recent relocation of the Property Services function into Strategic Development Projects Division.
 - 3.11.5 The detail regarding methods of advertising has been removed. The method of advertising will be determined on a site by site basis to achieve the best possible market reach.
 - 3.11.6 Amendments to reflect changes and maintain consistency with Council's new policy format.

4. FINANCIAL OVERVIEW

- 4.1 The sale of any Council properties under the provisions of the policy will deliver the project outcomes approved by Council, with net proceeds transferred to the property disposal reserve, and used to repay debt or reduce future borrowings.
- 4.2 Net proceeds are the resulting cash surplus from the Land Disposal. This is calculated as the Accounting Profit as determined in accordance with the Australian Accounting Standards, and adding back the land value which is a non-cash impact, and if relevant deducting the cost of any retained infrastructure constructed as part the disposal.
- 4.3 Typically, sales proceeds net of GST will be reduced by disposal costs, development costs, and if relevant costs of infrastructure assets created as part of the land disposal.

5. CONCLUSION

- 5.1 The Disposal of Land Policy has been reviewed and proposed amendments are presented to Council for consideration.



Disposal of Land Policy

Policy Type:	Policy		
Approved By:		Decision No:	2567/2018, 0229/2019, 0990/2021
Approval Date:	23 July 2018	Last Reapproval Date:	28 June 2021
Review Date:	June 2023	Internal Reference No.:	
Department:	City Infrastructure	Division:	Property & Building
Function:	16 - Property Management	Responsible Officer:	Manager, Property & Building

A - PREAMBLE

- Section 49 of the Local Government Act, 1999 requires that a Council must prepare and adopt policies on contracts and tenders, including policies on the sale of land or other assets.
- Council has an approved policy for the Disposal of Assets other than Land Policy and this policy therefore refers specifically to disposal of land

B - SCOPE

- Section 49 (a1) of the Local Government Act 1999 requires Council to develop and maintain policies, practices and procedures directed towards:
 - Obtaining value in the expenditure of public money; and
 - Providing for ethical and fair treatment of participants; and
 - Ensuring probity, accountability and transparency in all disposal processes.
- Where Council Administration (in consultation with other Departments within Council) believes that:
 - Public land in Council's ownership may be surplus to public requirements;
 - The land provides limited strategic and / or public benefit;
 - Holding the land is an inefficient use of public assets

A report will be presented to Council for consideration of disposal. This will include recommendations to implement public consultation in accordance with Council's Public Consultation Policy

- This policy seeks to:
 - Define the methods by which land are disposed of;
 - Demonstrate accountability and responsibility of Council to ratepayers;
 - Be fair and equitable to all parties involved;
 - Enable all processes to be monitored and recorded; and
 - Ensure that the best possible outcome is achieved for the community

4. However this policy does not cover:
 - Land sold by Council for the non-payment of rates as this is dealt with in the Local Government Act 1999.

C – POLICY PURPOSE/OBJECTIVES

1. This policy provides direction to staff outlining the principles and processes to be followed in relation to disposal of land vested in Council in fee simple or as a lessee.
2. This policy considers all land held within Council’s ownership whether it be held as community land, Council owned land, road and road reserves, any legal interest in land, and any other land-related assets including all buildings (community and operational) on land.
3. This policy also states how net proceeds will be treated

D - DEFINITIONS

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

E - POLICY STATEMENT

1. **Council must have regard to the following principles in regard to disposal of land;**
 - 1.1 Encouragement of open and effective competition
 - 1.2 Obtaining value for money
 - 1.3 Assessment of offers are not restricted to price alone
 - 1.4 The offer aligns with Council’s strategic directions - City Plan 2035, strategies and master plans.
 - 1.5 An assessment of value for money must include consideration of (where applicable)
 - The contribution to Council’s long term financial plan and strategic management plans
 - Any relevant direct and indirect benefits to Council, both tangible and intangible
 - Efficiency and effectiveness
 - The costs of various disposal methods
 - Internal administration costs
 - Risk exposure
 - The value of any associated environmental benefits
 - The direct and indirect economic benefits for the City of Salisbury ie creation of jobs alignment / support of industry direction and transformation
 - 1.6 Ethical Behaviour and fair dealing, behave with impartiality, fairness, independence and integrity in all discussions and negotiations.
 - 1.7 Ensure accountability, transparency and compliance with all relevant legislation.
2. **Considerations Prior to Disposal of the Land**

Any decision to dispose of land will be made after considering where applicable

 - 2.1 The value of the land to the community for community uses
 - 2.2 The current market value of the land
 - 2.3 The annual costs of maintenance
 - 2.4 Any alternative future use of the land
 - 2.5 Any duplication of the land or the service provided by the land

- 2.6 Any impact the disposal of the land may have on the community
- 2.7 Any cultural or historical significance of the land
- 2.8 The positive and negative impacts the disposal of the land may have on the operations of the Council
- 2.9 Aligns with Council's strategic directions – City Plan 2035, strategies and master plans.
- 2.10 The remaining useful life, particularly of any building infrastructure on the land
- 2.11 A benefit and risk analysis of the proposed disposal
- 2.12 The results of any community consultation process
- 2.13 Any restrictions on the proposed disposal
- 2.14 The content of any community land management plan;
- 2.15 Reserve classification hierarchy; and
- 2.16 Any other relevant plans / policies of the Council including but not limited to:
 - Affordable Housing Policy (Council owned Land)
 - Public Consultation Policy
 - Community Land Management Plan
 - Walkway Closures Policy
 - Unsolicited Proposals Procedure
 - Growth Action Plan

3. Disposal Methods

- 3.1 The Council may resolve to dispose of the land.
- 3.2 Where the land forms or formed a road or part of a road, the Council must ensure that the land is closed under the Roads (Opening and Closing) Act 1991 (SA) prior to its disposal.
- 3.3 Where land is classified as community land, the Council must;
 - Undertake public consultation in accordance with the Local Government Act 1999 and the Council's Public Consultation Policy
 - Ensure the processes for revocation of the community land classification have been concluded prior to disposal
 - Comply with all other requirements under the Local Government Act 1999 in regard to the disposal of community land.
- 3.4 Where Council proposes to dispose of land through the grant of a leasehold interest greater than five years, the Council must have complied with its obligations under the Local Government Act 1999, including the public consultation obligations under Section 292 of the Local Government Act 1999.
- 3.5 The Council will, where appropriate, dispose of land through one of the following methods;
 - Open Market method of sale, - 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 licenced real estate agent and / or auctioneer (following compliance with the Council's Procurement Policy);
 - Expressions of interest – seeking expressions of interests
 - Select tender – seeking tenders from a selected group of persons or companies
 - Open tender – openly seeking bids through tenders, including public auctions
 - By negotiation – with owners of adjoining land adjoining the land for sale 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.
- Through a structured marketing process, particularly in relation to Councils Strategic Property Development projects where Council is acting as the developer.
 - Direct negotiations where the purchase has been assessed under the Unsolicited Proposals Procedure and deemed to meet the approval criteria.
- 3.6 Selection of a suitable disposal method will include consideration of:
- The number of potential purchasers of the land
 - The original intention for the use of the land
 - The current and possible preferred future use of the land
 - The opportunity to promote local economic growth and development
 - Delegation limits, taking into consideration accountability, responsibility, operation efficiency and urgency of the disposal
 - The total estimated value of the disposal
 - Compliance with statutory and other obligations
- 3.7 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.
- 3.8 If the land is to be auctioned or placed on the open market or disposed of by an expression of interest, then (unless the Council resolves otherwise) at least one independent valuation must be obtained to establish the reserve price for the land.
- 3.9 Whilst Council will seek current or in excess of market value for the land, the assessment criteria for the disposal individual parcels will be established before initiating disposal, and factors such as level of alignment with strategic directions may influence the value that Council accepts in the disposal of land.
- 3.10 If the disposal is not on the open market, the disposal should be at or above the current market valuation (with due regard to all associated costs to achieve the transaction or such other amount as the Council resolves). Unless there are reasons for the Council to accept a lesser return, which is consistent with the Council's overall strategic direction. The reasons must be documented in writing.
4. **Proceeds of Sale**
- 4.1 The sale of any Council properties under the provisions of this policy shall deliver project outcomes detailed in the business case endorsed by Council, with net proceeds transferred to the property disposal reserve, and used to repay debt or reduce future borrowings.
- 4.2 Net proceeds are the resulting cash surplus from the Land Disposal. This is calculated as the Accounting Profit as determined in accordance with the Australian Accounting Standards, and adding back the land value which is a non-cash impact, and if relevant deducting the cost of any retained infrastructure constructed as part the disposal. Typically sales proceeds net of GST will be reduced by disposal costs, development costs, and if relevant costs of infrastructure assets created as part of the land disposal.

F - LEGISLATION

1. Local Government Act 1999 (SA)
2. Real Property Act 1886 (SA)
3. Land and Business (Sale and Conveyancing) Act 1994 (SA)
4. Development Act 1993 (SA)
5. Retail and Commercial Leases Act 1995 (SA)
6. Residential Tenancies Act 1995 (SA)
7. Crown Land Management Act 2009 (SA)
8. Strata Titles Act 1988 (SA)
9. Community Titles Act 1996 (SA)
10. Roads (Opening and Closing) Act 1991 (SA)
11. Land Acquisition Act 1969 (SA)

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City of Salisbury Values: Respectful, Accountable, Collaborative, Helpful

Disposal and Acquisition of Land and Assets Policy

Adopted by:	Council
Responsible Division:	Strategic Development Projects
First Issued/Adopted:	23 July 2018
Last Reviewed:	28 June 2021
Next Review Date:	November 2027

1. Purpose

The purpose of this policy is to ensure that the City of Salisbury (Council) has accountable and transparent processes to consider the Disposal and Acquisition of Land and Assets.

This Policy provides direction and defines the methods for the acquisition and disposal of land and assets held within Council's ownership, including, community land, Council owned land, road and road reserves, any legal interest in land, and any other land-related assets including all buildings (community and operational) on land.

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

- Obtaining value in the expenditure of public money; and
- Providing for ethical and fair treatment of participants;
- Ensuring probity, accountability and transparency in all disposal processes.

This policy outlines how net proceeds will be treated.

2. Scope

2.1. This policy seeks to:

- Define the methods by which land is acquired and disposed of;
- Demonstrate accountability and responsibility of Council to ratepayers;
- Be fair and equitable to all parties involved;
- Enable all processes to be monitored and recorded; and
- Ensure that the best possible outcome is achieved for the community

2.2. This policy does not cover Land sold by Council for the non-payment of rates as this is dealt with in the *Local Government Act 1999*.

3. Legislative Requirements and Corporate Policy Context

Local Government Act 1999 (SA)

Real Property Act 1886 (SA)

Land and Business (Sale and Conveyancing) Act 1994 (SA)

Development Act 1993 (SA)

Retail and Commercial Leases Act 1995 (SA)

Residential Tenancies Act 1995 (SA)

Crown Land Management Act 2009 (SA)

Strata Titles Act 1988 (SA)

Community Titles Act 1996 (SA)

Roads (Opening and Closing) Act 1991 (SA)

Land Acquisition Act 1969 (SA)

4. Interpretation/Definitions

Acquisition includes purchase, lease or assuming care and control or ownership of an asset from a third party.

Asset includes an individual or group of physical objects, which has value and enables services to be provided. It includes buildings, structures, improvements and leasehold interests on land that the Council owns.

Certified Practising Valuer means a person who, by education, training and experience is qualified to perform a valuation of real property, as certified by the Australian Property Institute.

Community land means all land classified as community land under Section 193 of the Local Government Act 1999.

Disposal includes sale by public auction or public tender, negotiation, or as otherwise set out within this policy.

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

Market value means the estimated amount for which an asset or liability should exchange on the valuation date between a willing buyer and a willing seller in an arm's length transaction after proper marketing, wherein the parties had each acted knowledgeably, prudently and without compulsion.

5. Policy Statements

- 5.1. Council land is to be regularly reviewed to ensure optimum, efficient and effective use of Council's interests. In doing so, particular considerations of the land are to be determined.
- 5.2. Council must have regard to the following principles in regard to acquisition and disposal of Land and Assets;
 - Encouragement of open and effective competition;
 - Obtaining value for money;
 - Assessment of value is not restricted to price alone;
 - The offer aligns with Council's strategic direction;
 - An assessment of value for money must include consideration of (where applicable):
 - The contribution to Council's long-term financial plan and strategic management plans;
 - Any relevant direct and indirect benefits to Council, both tangible and intangible;
 - The costs of various disposal and acquisition methods;
 - Internal administration costs;
 - Risk exposure;
 - The value of any associated environmental benefits; and
 - The direct and indirect economic benefits for the City of Salisbury.
- 5.3. Ethical Behaviour and fair dealing, behave with impartiality, fairness, independence and integrity in all discussions and negotiations.

- 5.4. Ensure accountability, transparency and compliance with all relevant legislation.
- 5.5. Commercial confidentiality will apply to negotiations for the disposal and acquisition of Land and Assets unless Council decides otherwise.
- 5.6. A report will be presented to Council for consideration of any acquisition or disposal of land and asset. This will include recommendations to implement public consultation in accordance with Council's Public Consultation Policy.

Considerations Prior to Disposal of the Land and Asset

- 5.7. Any decision to dispose of land will be made after considering (where applicable):
 - The value / benefit of the land to the community for community uses;
 - The current market value of the land (to be determined by a Certified Practising Valuer);
 - The annual costs of maintenance;
 - Any alternative future use of the land;
 - Any duplication of the land or the service provided by the land;
 - Any impact the disposal of the land may have on the community;
 - Any cultural or historical significance of the land;
 - The positive and negative impacts the disposal of the land may have on the operations of the Council;
 - Any environmental or sustainability impacts;
 - Alignment with Council's strategic directions – City Plan 2035, strategies and master plans;
 - The remaining useful life, particularly of any building infrastructure on the land;
 - A benefit and risk analysis of the proposed disposal;
 - The results of any community consultation process;
 - Any restrictions on the proposed disposal;
 - The content of any community land management plan;
 - Reserve classification hierarchy.

Disposal

- 5.8. Any decision to dispose of land must be a decision of Council.
- 5.9. Open market methods of sale will be considered and determined on merit by Council and may include:
- Public tender or open expressions of interest for sales best suited where special conditions are required including covenants and /or where there is special interest demand.
 - Select tender – where public registrations of interest may be sought prior to a select tender.
 - Public auction for unconditional sale and/or where there is a general high demand.
 - By negotiation – with owners of adjoining land adjoining the land for sale 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.
 - Through a structured marketing process, particularly in relation to Councils Strategic Property Development projects where Council is acting as the developer.
 - Direct negotiations where the purchase has been assessed under the Unsolicited Proposals Procedure and deemed to meet the approval criteria.
- 5.10. Where the land forms or formed a road or part of a road, the Council must ensure that the land is closed under the Roads (Opening and Closing) Act 1991 (SA) prior to its disposal.
- 5.11. Where land is classified as community land, the Council must;
- Undertake public consultation in accordance with the Local Government Act 1999 and the Council’s Public Consultation Policy
 - Ensure the processes for revocation of the community land classification have been concluded prior to disposal
 - Comply with all other requirements under the Local Government Act 1999 in regard to the disposal of community land.
- 5.12. Where Council proposes to dispose of land through the grant of a leasehold interest greater than five years, the Council must have complied with its obligations under the Local Government Act 1999, including the

public consultation obligations under Section 292 of the Local Government Act 1999.

- 5.13. 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.
- 5.14. The process for Disposal of Land and Assets will be fair and transparent and ensure that Council obtains not less than Market Value from the disposal, unless there are reasons for Council accepting a lesser value.
- 5.15. The Market Value of the Land or Assets is to be determined by an independent valuation obtained from a suitably qualified Certified Practising Valuer.
- 5.16. Whilst Council will seek current or in excess of market value for the land, the assessment criteria for the disposal individual parcels will be established before the closing date of any disposal process, and factors such as level of alignment with strategic directions may influence the value that Council accepts in the disposal of land.
- 5.17. Council may consider a Disposal other than through the open market, including by direct negotiation, based on individual case merits. These circumstances may include but not necessarily be limited to the following:
- Limited likely purchasers for the Land or Asset.
 - Alignment with respect to the original intention of the Land or Asset.
 - An overall improved value proposition considering the Market Value and marketing/ selling costs.
 - Enabling inclusion of adjacent Land.
 - Land or Assets to be developed by another level of government.
 - Land that is restricted because of its small size, dimensions, irregular shape or other constraints.
 - Assets which are the subject of a leasehold interest including disposal to a relevant party who may be, but is not limited to, a lessee or residential tenant.
 - Land of nominal value.

Proceeds of Sale

- 5.18. The sale of any Council properties under the provisions of this policy shall deliver project outcomes approved by Council, with net proceeds

transferred to the property disposal reserve, and used to repay debt or reduce future borrowings.

- 5.19. Net proceeds are the resulting cash surplus from the Land Disposal. This is calculated as the Accounting Profit as determined in accordance with the Australian Accounting Standards, and adding back the land value which is a non-cash impact, and if relevant deducting the cost of any retained infrastructure constructed as part the disposal. Typically, sales proceeds net of GST will be reduced by disposal costs, development costs, and if relevant costs of infrastructure assets created as part of the land disposal.

Acquisition

- 5.20. Any decision to acquire Land and Assets must be a decision of Council.
- 5.21. Council may acquire Land and Assets to achieve strategic, commercial or community outcomes that align with Council's Strategic Plan. The following criteria will be used to assess the acquisition of Land and Assets:
- Alignment with Council's strategic drivers.
 - Potential to add value and support Council's strategic objectives.
 - The ability to unlock supply.
 - Creation of new commercial and financial value.
 - Provision of community benefits and public value.
 - Potential to consolidate Land or Assets with Council's existing holdings.
- 5.22. The land can be released to the market for sale, subject to clearly defined Council requirements as to development outcomes.

6. Related Information / Documents

City Plan 2035

Affordable and Community Housing Policy – Development of Surplus Council Owned Land

Asset Management Policy

Strategic Asset Management Plans

Prudential Management Policy

Public Consultation Policy

Community Land Management Plan

Walkway Closures Policy

Unsolicited Proposals Procedure

Growth Action Plan

7. Approval and Change History

Version	Approval Date	Approval By	Change
4	March 2024	Council	New Policy Template Format Definitions Related Policies & Procedures General formatting Addition of land acquisition

8. Availability

- 8.1 The Policy is available to be downloaded, free of charge, from Council’s website www.salisbury.sa.gov.au
- 8.2 The Policy will be available for inspection without charge at the Civic Centre during ordinary business hours and a copy may be purchased at a fee as set annually by Council.

City of Salisbury Community Hub
 34 Church Street, Salisbury SA 5108
 Telephone: 84068222
 Email: city@salisbury.sa.gov.au

9. Review

This Policy will be reviewed:

- If a new Policy - within 12 months of a Council election and thereafter as necessary; or
- The frequency dictated in legislation; or
- Earlier in the event of changes to legislation or related Policies and Procedures; or
- If deemed necessary by Council.

Further Information

For further information on this Policy please contact:

Responsible Officer: Team Leader Property
Address: 34 Church Street, Salisbury SA 5108
Telephone: 8406 8222
Email: city@salisbury.sa.gov.au