

## 1. PURPOSE

- To outline the objectives and approach that the council will adopt in the process of identifying, assessing and deciding to retain or divest property assets (land and buildings) for the benefit of the community.
- To ensure the opportunities and risks associated with property ownership and divestment are identified, measured and managed in accordance with the *Local Government Act 1989* (the Act) and all council approved policies.
- To ensure the community are provided appropriate opportunities to contribute to decisions to retain or divest property.

## 2. SCOPE

This policy applies to all property assets (land and buildings) owned by council.

## 3. DEFINITIONS

N/A.

## 4. POLICY

### 4.1 Considerations of a sound divestment strategy

In determining whether a council property is appropriately contributing to our community before considering divestment or otherwise, each property will be reviewed against the following considerations, in order to ensure a balanced assessment and final determination. These considerations are inclusive of the identification of current and potential future usage in line with projected growth patterns and provision for a community with evolving / unanticipated needs.

#### 4.1.1 Usage

In order to determine the suitability of a property for retention or divestment, it is critical to consider current and future potential uses for the property in question.

The council can dispose of any public open space by first ensuring that appropriate open space is available within Wodonga. Consideration will be given

to enhancing community facilities and infrastructure through the divestment of council land.

### *4.1.2 Social Impact*

In assessing a property, consideration will be given to the likelihood and severity of negative and positive social impacts of divestment or retention of such property on the community or community of interest.

The council may request a Social Impact Assessment (SIA) be undertaken on any divestment where it considers that the likelihood of potential adverse social impacts from the proposed closure warrants further consideration.

### *4.1.3 Economic Development Promotion*

The property divestment process will assess the likelihood that divestment or retention of the property may encourage or facilitate investment leading to favorable economic development opportunities.

### *4.1.4 Environmental Outcomes*

In assessing a property for retention or divestment, consideration will be given to the likelihood that divestment or retention of such property may lead to positive environmental outcomes.

### *4.1.5 Financial Outcomes*

In assessing a property for retention or divestment, consideration will be given to the likelihood that divestment or retention of such property may contribute to favorable financial outcomes.

### *4.1.6 Consultation requirements*

#### *Stakeholders –*

The council will endeavour, where there is public interest in the future use of land being considered for divestment, to undertake a targeted consultation process with key stakeholders including neighbours, users and invested parties.

#### *Sales process –*

In accordance with sections 189 and 223 of the Act, the council will as a minimum give public notice of its intention to sell or exchange land at least four weeks prior to selling or exchanging the land.

## 4.2 Divestment advice

Council shall seek advice from suitable internal and external advisors to ensure that any such divestment or retention decisions are made on an informed basis. Known external advisors to be included in any divestment process will be an appropriately registered valuer, legal counsel and real estate agents. Other consultants and advisors will be engaged on an as required basis and the cost of such advice factored into any decision to proceed to assess a property for divestment.

All advisors used by the council will be provided with a copy of the latest version of this policy, at all times.

Valuation advisors used must at a minimum comply with the qualification requirements of section 189 of the Act.

## 4.3 Authorisation for divestments

All property sales or transfers will require resolution by Council.

## 5. ATTACHMENTS

Nil.

## 6. RELATED POLICIES

Nil.

## 7. RELATED LEGISLATION

The council is authorised under the Act to divest council property in accordance with Sections 189 and 223. In addition to these requirements, the council is also required to comply with Section 20 of the *Subdivisions Act 1988* (SD Act), when selling public open space.

Under Section 191 of the Act, it is permissible for council to transfer, exchange or lease any land to the Crown, a Minister, or any public body, trustees

appointed under any Act or public hospital. In this case Sections 189 and 190 do not apply.

This policy has been assessed as complying with the *Victorian Charter of Human Rights and Responsibilities Act 2006*.

## 8. REFERENCES

The council will use the Local Government Best Practice Guidelines for the Sale and Exchange of Land prepared by the Department of Planning and Community Development, June 2009 where appropriate.

## 9. REVIEW

The council may review this policy at any time but unless otherwise requested at least every four years from date of adoption. Minor amendments to the policy may be authorised by the CEO at any time where such changes do not alter the substance of the policy eg: typographical errors, a change to the name of a related policy, or a change to the name of legislation.

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<b>Title:</b>	Property Divestment Policy
<b>Reference No:</b>	
<b>Business Unit:</b>	Development - Economic Development
<b>Category:</b>	Policy
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<b>Approved By:</b>	The council at its meeting of June 27, 2016
<b>Next Review:</b>	June 2020