

# Development and/or Disposal of Council Lands

<b>Adoption Date:</b>	29/10/2009
<b>Amendment Date:</b>	26/03/2013, 20/12/2016, 20/09/2022
<b>Minute Number:</b>	MIN09.1486, MIN13.301, MIN16.1011, MIN22.633
<b>Review Date:</b>	01/12/2024
<b>Directorate:</b>	City Services
<b>Record Number:</b>	POL22/47

## 1. Purpose

The purpose of this policy is to provide sound, transparent criteria and procedures designed to minimise Council's exposure to risk and give due consideration to the community's best interests at all times during the development and/or disposal of Council lands.

## 2. Provisions

This policy has been developed:

- To ensure fairness, openness, and transparency in decision-making.
- To allow public comment before any final decision is made to dispose of land/property.
- To ensure Council receives "best value" in any disposal process.
- To ensure the most appropriate method of disposal is identified.
- To ensure the public interest is uppermost and overrides any private interest of any party.
- To ensure that Council abides by the Code of Conduct and any ICAC and Office of Local Government Guidelines.

## 3. Land to which this policy applies

This policy applies to all Council land within the Shoalhaven Local Government Area (LGA).

## 4. Process

- a. Identify land for development and/or disposal. This is to be done by considering the land's strategic value in relation to Council's plans, strategic plans, LEPs and contribution plans while ensuring consistency with Council's economic, social and environmental objectives.
- b. Establish a Council Vision/Purpose for the land.
- c. Define the strategic objective(s) to be achieved specific to this land dealing and create a broad concept for its development.
- d. Undertake Risk Assessment and Due Diligence before proceeding further. This policy must be read in conjunction with Shoalhaven City Council's Due Diligence for Land Transactions procedure which acknowledges Council's responsibility to ensure that any land transactions undertaken are done so in a manner which gives matters of probity the highest priority.  
  
Due diligence provides a value-added component to the decision-making process through risk assessment and the identification of opportunities. It provides for clear and relevant procedures and simplifies the quality of information to ensure Council makes an informed and balanced decision.
- e. Determine method of development and/or disposal
- f. Assess feasibility through cost/benefit to Council including financial, social and environmental aspects.

## 5. Principles

- a. Any meetings or other communications (e.g., telephone, email) between Council officials and potential proponents are to be properly minuted and recorded and filed (TRIM), noting that confidentiality principles must be observed by all parties.
- b. Council (or Council officials) should not enter into (or give the impression that they are entering into) any contractual arrangements which purport to guarantee outcomes that are subject to a separate regulatory process.
- c. The focus of Council's preliminary assessment should be on planning considerations under Council's regulatory role, in assuring the best public/community interest following ESD principles.
- d. Where considered advantageous consideration to be given to engagement of a third party with particular expertise to undertake discussions and negotiations.

## 6. Implementation

This policy is to be administered by City Services and implemented by the Property Teams of City Services and City Futures.

## 7. Review

This policy will be reviewed whenever new relevant guidelines are issued by the Office of Local Government or ICAC, or within twelve (12) months of each Council election.

## 8. Application of ESD Principles

Application of this policy will ensure that ESD is considered in the preliminary assessment process and that any outcomes (development or disposal) have broad socio-economic benefit for the community.