

Property Acquisition and Disposal Policy

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Related legislation:	• Local Government Act 2020 • Sale of Land Act 1962 • Transfer of Land Act 1958 • Property Law Act 1958 • Valuation of Land Act 1960 • Owners Corporation Act 2006 • Land Acquisition and Compensation Act 1986 • Limitations of Actions Act 1958 • Traditional Owners Settlement Act 2010 • Planning and Environment Act 1987 • Subdivision Act 1988 • Crown Land (Reserves) Act 1978 • Land Act 1958 • Land Regulations 2016		
Related strategic documents, policies, or procedures:	• Property Acquisition and Disposal Procedure 2026, MASC (currently in draft) • Local Government Best Practice Guidelines for the Sale, Exchange and Transfer of Land (the Guidelines) 2009 • Victorian Government's landholding policy Victorian Government Land Transactions Policy 2022 • Dja Dja Wurrung Clans Aboriginal Corporation Land Use Activity Agreement 2018 • Building Asset Management Plan 2023 – 2028, MASC • This Is My Building 2.0 (TIMB2.0), MASC • Risk Management Policy 2020, MASC • Community Engagement Policy 2024, MASC • Council Plan 2025 – 2029, MASC • Disability Inclusion Action Plan 2023 – 2027, MASC • Gender Equity Action Plan, 2021 – 2025, MASC • Fair Access Policy 2024, MASC		

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Date	Version Number	Details of Version	Modified by
2/10/2025	1	Draft	Property portfolio Coordinator

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1. Purpose

The purpose of this policy is to:

- Ensure that Council's property portfolio remains relevant and fit for purpose.
- Establish a framework for acquisition, disposal or retention of Council owned and managed properties, through a consistent, transparent and accountable process in compliance with legislative and best practice requirements and Council's risk management practices.
- Establish principles that will guide the review of Council's property portfolio to identify property which is surplus to requirements and could be made available for disposal, or property that could be suitable for acquisition to support or facilitate the delivery of a current or future Council, community or commercial service.

This will be achieved with regard to the principles outlined in this policy.

This policy must be read in conjunction with the Property Acquisition and Disposal Procedure.

2. Context

Councils are authorised to acquire, hold, deal with or dispose of property for the purpose of performing its functions and exercising its powers. A Council may be appointed or revoked as Committee of Management of Crown lands by the Minister or Governor in Council.

Council owns or manages a considerable property portfolio consisting of freehold parcels, Crown land reserves and unreserved Crown land, most including buildings or other infrastructure. Property is held to facilitate the provision of Council's responsibilities, service delivery and objectives, and to meet community needs and expectations, now and into the future.

Council's requirement for particular property assets varies from time to time. Council has a program to periodically review its property portfolio to ensure that property assets remain relevant to need and fit for purpose.

3. Scope

This policy applies to Council owned and managed properties and to property transactions, such as the sale, exchange, transfer, or acquisition of Council owned properties, the demolition of Council owned buildings, and the return of Crown land to the Victorian State Government.

This policy does not apply to:

- land that has the legal status of road including a road reserve, unless a road or part of a road is discontinued and that road or part of the road, can be transacted as property; or
- property that is to be transferred without consideration to a limited number of public bodies under section 116 of the Local Government Act 2020; or
- where property is to be sold to recover unpaid rates or charges; or
- leasing and licensing of property.

4. Policy principles

Council's property portfolio should be managed to ensure the greatest benefit or best value (financial or non-financial) to the community and Council.

Property transactions should demonstrate a net community benefit. This will be achieved with regard to the guiding principles outlined below:

- **Alignment with Council Plan**

Property holding, acquisition or disposal of Council properties will align with Council's values, objectives and strategies as identified in the Council Plan, and other related Council policies.

Additional property will only be acquired where it can be demonstrated that the property is required to support a function of Council or facilitate the provision of a service by Council or the community that cannot be provided in an existing Council property. Surplus property will be considered for disposal.

- **Community Benefit**

Council's property portfolio will be managed for the best interests of the community, now and into the future, including rationalising property assets for

financial sustainability. Proceeds from the sale of property will be used to fund priorities identified in Council's long term financial plan, annual budget, or any other plans, policies or strategies, or as legislated, but not for recurrent or operational expenses.

- **Multi-use of properties**

Optimise the use of Council properties through enabling multiple users where practicable.

- **Transparency**

Property transactions will be through a public process, unless circumstances exist that justify an alternative method.

- **Accountability**

All acquisitions or disposals of property must comply with the provisions of the Local Government Act 2020, the Local Government *Best Practice Guidelines for the Sale, Exchange and Transfer of Land*, and other relevant legislation and guidelines.

- **Risk Management**

When determining the acquisition or disposal of a property, Council will consider the mitigation and management of any risks associated with the property, its use and its management.

- **Access**

Council will seek to retain public access to Council property, either through the service provided, or through the availability of the property for hire.

- **Environmental impacts**

Council will consider any impacts of a property transaction on the environment and any impacts the environment might have on a property.

5. Roles and responsibilities

Position	Responsibility
Council	Responsible for making decisions under Section 112, 113, and 114 of the Local Government Act 2020.

Chief Executive Officer	Negotiate to acquire property within delegation. Sign contracts and other documentation within delegation.
Director	Sign contracts and other documentation within delegation.
Service Manager	Create strategic documentation relating to current and future service needs which is to be used to guide future acquisition or disposal. Internal consultation with other relevant business units to determine the requirement for acquisition or disposal of property prior to any consideration of property acquisition or disposal.
Property Portfolio Coordinator	Develop and implement policy, provide advice, guidance, template agreements and key terms. Periodic review of property portfolio to identify surplus property or a requirement for property. Administration of property transactions.

6. Definitions of Abbreviations Used

A table of terms and their definitions as they relate to the policy.

Term	Definition
Acquisition	Purchase of freehold property, or a right or interest in property, or assuming management of Crown land.
Best practice	The most effective, efficient and proven methods, techniques or procedures that consistently achieve a desired outcome or solve a problem
Best practice guidelines	The Local Government Guidelines for the Sale, Exchange & Transfer of Land, 2009.
Best value	A subjective term for the most beneficial trade-off between cost and benefits, considering not just the initial price but also quality, total life costs, and service.
Community benefit	An overall positive contribution or improvement that has positive value to the community, beyond an individual or single interest group. It could include social, environmental or economic benefits through the provision of tangible benefits such as recreational services, cultural services, or improvements to council properties, or less tangible benefits such as support, social enjoyment and engagement

	opportunities, learning programs, and enhancement of the wellbeing of the local and wider Mount Alexander Shire community.
Council property	Council owned, vested or managed land, including land containing improvements.
Crown land	Public land owned and managed by the state government on behalf of the public. Crown land can be reserved for a particular public use, or unreserved. Unreserved Crown land has not been set aside for a particular public use.
Demolition	Destruction of a building or other structure, or removal of a building or other structure from Council's ownership.
Disposal	Sale, transfer, demolition or exchange of freehold property or ceding management of Crown land.
Land	As defined in the Interpretation of Legislation Act 1984 includes buildings and other structures permanently affixed to land, land covered with water, and any estate, interest, easement, servitude, privilege or right in or over land.
Property	A legal concept referring to rights an owner holds over a physical or intangible resource, including the power to exclude others from its use. Real property encompasses interests in land and fixtures or structures upon the land.
Public process	A public auction, public tender or registration of expressions of interest.
Road	As defined in the Road Management Act 2004 and includes (a) any public highway; (b) any ancillary area; (c) any land declared to be a road under section 11 or forming part of a public highway or ancillary area.

7. Human Rights Statement

It is considered that this policy does not impact negatively on any rights identified in the Charter of Human Rights and Responsibilities Act (2006). Mount Alexander Shire Council is committed to consultation and cooperation between management and employees. Mount Alexander Shire Council will formally involve the Workplace Consultative Committee in any workplace change that may affect employees.

8. Gender Equity

It is considered that this policy goes towards promoting gender equity principles as outlined in the *Gender Equality Act 2020* and does not contribute in the promotion of inequalities. Mount Alexander Shire Council is committed to meeting its obligations as stated in the Act and to further promote the right to equality as set out in the Charter of Human Rights.

9. Child Safety

Mount Alexander Shire Council is committed to being a child safe organisation and has zero tolerance for child abuse. We recognise our legal and moral responsibilities in keeping children and young people safe from harm and promoting their best interests.