

POLICY

<<PLANNING AND DEVELOPMENT>>

<<STRATEGIC PLANNING>>



STRATEGIC LAND MANAGEMENT >>

1. POLICY STATEMENT >>

The management, acquisition and disposal of strategic land and property assets are to be conducted in accordance with this policy.

2. PRINCIPLES >>

The council is uniquely placed to engage in strategic dealings in land and property for community benefit. To do this, the Chief Executive Officer has established the Strategic Land Management Group.

The council is subject to significant legislative restrictions to ensure that its dealings in land are fair and appropriate. The council is committed to compliance with those laws.

Council has the need to acquire land for strategic purposes. Proceeds from the sale of council land or property that is deemed surplus to requirements should be identified within council's finance system, and considered as a guide to funds that may be available to fund the acquisition of property determined to have strategic value.

Debate about the merits of any land dealing by council is welcomed and is to be encouraged, provided that this does not work against the community interest, for example, by placing the council at a financial disadvantage. Because of that, the Council recognises that it is essential to maintain confidentiality about aspects (including price) of a land dealing until the dealing is concluded.

3. SCOPE >>

This policy applies to all strategic land dealings by Council. Matters related to non-strategic sale or acquisition will be dealt with by existing processes within Corporate Governance Department's Legal Service.

This policy does not apply to the acquisition of easements, rights of way or the regularising of encroachments, nor to the compulsory acquisition of interests in land for approved purposes under the *Acquisition of Land Act 1967*.

4. RESPONSIBILITY >>

The Mayor, Councillors, the Chief Executive Officer, Directors and Executive Managers, are responsible for ensuring this policy is understood and adhered to by all councillors and council staff.

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5. DEFINITIONS >>

Strategic land assets means land identified by the Strategic Land Management Group as having a significant role and/or value in advancing the strategic directions and objectives of council's Strategic Planning Framework.

Strategic land dealing means the acquisition of an interest in land to advance the strategic directions and objectives of council's Strategic Planning Framework including council's Community Plan, Corporate Plan, City Plan, Priority Infrastructure Plan and any relevant Masterplan or disposal of an interest in *Surplus Land*.

Surplus Land means land identified by the Strategic Land Management Group as having no or limited operational or strategic value and has been, in compliance with Council's Sale or Purchase of Strategic Land Procedure, been approved by the EMT as being suitable for disposal.

6. POLICY >>

6.1 Strategic Land Management Group

The Chief Executive Officer has established the Strategic Land Management Group to advise on opportunities to acquire and dispose of land for strategic purposes.

The Strategic Land Management Group is responsible for:

- defining council's strategic land asset interests and developing and maintaining a Strategic Land Asset Register;
- securing a transparent, consistent and accountable process for land acquisition for strategic and commercial purposes, and for the disposal of surplus council owned land;
- ensuring that a review of future land requirements is held before any land asset is designated as 'surplus';
- identifying individual situations where council should acquire land or dispose of surplus strategic land assets and developing and adopting informed strategies to do so;
- defining those circumstances in which the Council will adopt sale or disposal methods other than by tender and to ensure that adequate reasons are documented in such cases;
- optimising benefits from the sale or acquisition of land.

The Strategic Land Management Group activities are to be guided by this policy, but the membership and operation of the committee are at the Chief Executive Officer's direction.

6.2 Considerations

Land is to be acquired or disposed of for strategic purposes only pursuant to a Council resolution and in compliance with any relevant legislation or regulation.

When assessing a Strategic Land Management Group recommendation to acquire or dispose of

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land for a strategic purpose the council will consider the community impact using the quadruple bottom line as the assessment principles:

- Economic Sustainability;
- Environmental Sustainability;
- Social Sustainability; and
- Responsible Governance.

The objectives for any strategic land dealing are to include:

1. advancing the strategic directions and objectives of council's Strategic Planning Framework including council's Community Plan, Corporate Plan, City Plan, Priority Infrastructure Plan and any relevant Masterplan;
2. enhancing local amenity, economic development and sustainable growth;
3. participating in land development only when that participation is likely to produce benefits that may not be realised without council involvement;
4. minimising the risk to council and cost to the community;
5. ensuring there is council-wide consultation on potential acquisitions and disposals;
6. whenever possible, generating a financial return to the community but not at the expense of other community benefits; and,
7. identification within council's finance system of funds received from the disposal of surplus strategic land, and considering these as a guide to funds that may be available to fund the acquisition of property determined to have greater strategic value.
8. In the event that disposal of land may have an impact upon the community the proposed disposal is to be preceded by community engagement.

When appropriate, the Council will acquire land for long-term strategic purposes, but it is generally desirable that any acquisition or disposal of land result in prompt and increased activation of the site.

Commercial confidentiality will apply to negotiations for the acquisition or disposal of land unless council decides otherwise and subject to the requirements of relevant laws. Unless the council or the Chief Executive Officer has given specific written authority to release information, transaction details that may be commercially sensitive, such as the identity of parties, the purchase or sale price and the terms of the sale or purchase are to be kept confidential until settlement has occurred.

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6.3 Strategic Land Asset Register

Council recognises that a lack of clarity about departmental responsibility for land holdings has compromised council's ability to pursue strategic land dealing opportunities, and commits to the creation and maintenance of a Strategic Land Asset Register to address that issue.

To assist in demonstrating that each strategic land dealing is conducted in a way that is fair, transparent, and accountable and meets the community needs, council will document the activity according to the Asset Accounting Administrative Directive, subject only to the need to preserve appropriate confidentiality during the acquisition or disposal phase.

6.4 Accounting for Strategic Land Disposals and Acquisitions

Transparency and accountability for the finance arising from land dealings will be delivered by the creation of a 'program' within FEAM. This does not represent a reserve, but will allow identification of funds derived from disposals of council land assets.

7. LEGAL PARAMETERS >>

Local Government Act 2009

Local Government Regulation 2012

8. ASSOCIATED DOCUMENTS >>

Strategic Planning Framework

Strategic Land Management Group Terms of Reference

Corporate Plan

Procurement Policy

Asset Management Policy

Asset Accounting Administrative Directive

Sale or Purchase of Strategic Lands Corporate Procedure

Community Engagement Policy

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