**Disposal and Acquisition of Land**

**KFA** Governance and Civic Leadership

**Status** Council

**Responsible**

**Division** Planning & Development Services

**Objective** The objectives of this policy are to ensure the City of Nedlands has open and accountable processes to consider the disposal and acquisition of land assets.

**Context**

Under this policy land is defined as physical land assets and includes land as a physical entity, buildings, structures, improvements to land, land covered by water, strata lot, community title, or unit.

Land also includes a legal estate or interest in land such as a leasehold estate. However, this Policy does not cover easements or rights of way, road reserves or recreational reserves.

When considering options for the disposal or acquisition of land, Council will look for opportunities to advance the objectives of its Strategic Plan.

The process for the disposal of land assets is set out in the *Local Government Act* and *Local Government (Functions and General) Regulations 1996* to ensure fairness and transparency to achieve the best outcome and price.

**Statement**

This policy outlines the decision-making process for the disposal or acquisition of land. In order to maintain its land asset base, Council’s preference is for the proceeds of the sale of land to be used to acquire other land for its own operational use, for income producing purposes or for capital investment.

**Disposal of Freehold Land**

Land zoned as freehold land that is surplus to the City’s requirements can be sold or otherwise disposed in accordance with the Act.

**Disposal of Leasehold Interests**

Where Council has an interest in land and/or premises, which are leased or licensed, the lease or licence may be renewed to the existing lessee or licensee subject to the terms of Council’s Lease and Licence Policy.

Where land and/or premises are vacant, and Council proposes to lease or licence the land and/or premises then the provisions of Council’s Lease and Licensing Policy will be followed.

**Disposal Criteria**

The following criteria will be used to assess whether Council should retain or dispose of a land asset including owned and leasehold interests:

* Relationship to service requirements and relevant strategic drivers
* Current use / utilisation
* Cultural or historical significance
* Level of community ownership
* Alternate future community use
* Alternate future use
* Development potential
* Annual cost of maintenance
* Immediate location to a similar facility
* Duplication of the facility
* Benefit / Risk Analysis
* Current maintenance service level of area
* Current state of property
* Current market value
* Anti-social behaviour on the property
* Potential political consequence
* Potential future use to adjacent properties
* Area of land concerned
* Open Space Plan requirements
* Covenants on the property
* How the property was acquired
* Restrictions on disposal

Where it is found that a land asset should be disposed of or in any other way removed from general public usage the process will be governed by the requirements of Council’s Community Land Management Plans in all instances.

**Acquisition of Land**

Council may require land for future operations or the provision of services.

The following guidelines provide the basis for preparing a business case for any proposed acquisition. The items are listed in order of importance:

* Has defined service level been set in accordance with the requirements of Council’s Strategic Plan;
* Does the acquisition support the requirements of Council’s Strategic Recreation Plan;
* Are sufficient funds available within Council's Open Space Reserve Fund/Annual Budget or Long-Term Financial Plan;
* Are other sources of funds available / Have other sources of funds been examined for joint funding initiatives; and
* Have other service delivery models been explored.

**Related Documentation**

Nil

**Related Local Law / Legislation**

Local Government Act 1995

Local Government (Functions and General) Regulations 1996

Transfer of Land Act 1893

Strata Titles Act 1985

**Related Delegation**

Nil

**Review History**

10 December 2013 (Report CPS40.13)

27 July 2010 (Report CM15.10)