

Policy

Disposal of Land

Version 1.1

Adopted by Council at its meeting on 13 November 2007

Minute No: O290 and 179

Division: Community and Natural Resources
Section: Development Assessment
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Disposal of Land

Policy Objective

The objectives of Tweed Shire Council's Disposal of Land Policy is as follows:-

- To clearly define a framework, responsibilities and procedures for Council Officers to manage the disposal of land.

Definitions

Not applicable

Policy Background

This Policy is being developed for the community to outline Council's Policy on Disposal of Land.

Policy

Council owned land held in fee simple under the Real Property Act, 1900 shall be disposed of in the following ways:

- (a) by public auction, or
- (b) by public tender,

except in special circumstances as resolved by Council.

Council shall call for expressions of interest to conduct the auction from auctioneers who have an office established within the Tweed Local Government area. The expressions of interest must be received by Council within fourteen (14) days from the calling. The auctioneer is to be appointed in a manner to be determined by Council.

Should the process by public auction or public tender not result in a sale, then the land will be listed with at least two (2) local real estate agents.

Council shall call for expressions of interest from real estate agents who have an office established within the Tweed Local Government area. The expressions of interest must be received by Council within fourteen (14) days from the calling. The real estate agents are to be appointed in a manner to be determined by Council

For the purpose of fixing a price or reserve, Council is to obtain a valuation of the property being disposed of from a registered valuer operating within the Tweed Local Government area.

Prior to the resolving to dispose of any Council owned land under the Real Property Act, 1900 Council will advertise its intentions to dispose of the land in a local newspaper and

seek written submissions on the proposal to be made within a period of twenty (21) days from the date of the advertisement.

Any submissions received in response to the advertising shall be considered in a report to Council prior to any decision to proceed with disposal of the land.

Where land is to be sold in special circumstances as resolved by Council and before a Contract for the Sale of Land is entered into, the prospective Purchaser may be required to demonstrate to Council that any development proposed for the land is suitable for the site and adheres to the requirements of the current zoning and/or necessary rezoning applications will be pursued by the Purchaser at the Purchaser's expense.

Roads Act 1993 - Disposal

Council owned land held in fee simple under the Roads Act, 1993 includes all roads within the Tweed Local Government area excepting Crown Public Roads and freeways.

The disposal of land under the Roads Act, 1993 will proceed under the provisions of Divisions 1, 2 and 3 of Part 4 of the Roads Act, 1993.

Disposal of land under the Roads Act, 1993 will not require the proposal to be advertised as required for land held under the Real Property Act, 1900.

Disposal of Council owned land under the Roads Act 1993 requires a resolution of Council

Related Legislation

The disposal of land by Council is not prescribed in the Local Government Act other than:

Section 55 of the Local Government Act 1993

This section of the Act does not apply in respect to :-

- a contract for the sale of land; and

Council will dispose of land or property in accordance with its Policy - Council Land - Sale.

Council will dispose of all land owned in fee simple under the Real Property Act, 1900 or the Roads Act, 1993 in accordance with this Policy.

Real Property Act 1900

Roads Act 1993 - Disposal

Compliance

Not applicable

Forms

Not applicable

Review Period

This policy will be reviewed within 12 months of the election of each new Council or more frequently in the event of any legislative changes or change in circumstances.

Useful Links

The Disposal of Land Policy is listed on the Council's Intranet and Internet.

[Tweed Shire Council website](#)

