# Proposal to revoke and dispose of Community Land off Plains Road, Sellicks Hill

**Additional Information Summary**

**Open Space Strategic Management Plan**

As the subject land is classified as community land, it automatically forms part of the open space considerations contained in the Open Space Strategic Management Plan (OSSMP). The OSSMP was approved by Council at its meeting on 12 December 2017.

Although our Open Space Strategic Management Plan has no commentary on this specific parcel of council land, no internal concerns were raised with the proposed disposal from an open space perspective.

It is also considered that the subject portion of land has little community value from an open space, recreation and leisure perspective, due to its location, topography, impractical shape and accessibility.

**Report pursuant to the *Local Government Act 1999***

The *Local Government Act 1999* prescribes that council must prepare a report before it proposes to revoke the classification of land as community land. The report must address the following:

**Summary of the reasons:**

The proposed revocation and disposal is as a direct consequence of the adjacent landowners approaching Council to purchase the subject land to consolidate with either of their properties to formalise the simplest and most convenient access point to their properties.

Council manages its land ownership portfolio in an efficient and sustainable manner by continually reviewing its assets and considering disposal options where little or no community benefit is derived from retention of the land.

Failing to deal with this parcel of land in the recommended manner will necessitate the continued licence arrangement for the existing uses, which is considered an administrative burden when the land is not considered necessary for retention.

It is also felt that the land has little value from a recreational and leisure perspective due to its location, topography, impractical shape and accessibility.

**A statement of any dedication, reservation or trust to which the land is subject:**

The land is not subject to any dedication, reservation or trust.

**Proposal to sell**

The intent of this report proposes the revocation of the subject land from its community land classification and the sale and transfer (subject to Council approval) of the land to either of the two adjoining landowners at no less than the current market value.

Proceeds from the sale of the subject land (if approved by Council) will be assigned to the Strategic Acquisitions Reserve Fund to assist with the funding of future strategic land acquisitions and other projects.

Both adjoining landowners have requested the opportunity to purchase the subject land. A Right of Way easement will be offered at no less than the current market value of the rights granted to the non-purchasing adjoining landowner to continue to provide convenient access to their property.

**Summary of effect on the community**

Disposal of the subject land currently presents little or no impact on current recreational opportunities for the community due to its location, topography, impractical shape and accessibility.

There is no strategic or operational requirement for the land to remain in council’s ownership and disposal will reduce Council’s responsibility and risk management liabilities.

A sale of the land will assist with the purchase of future strategic land acquisitions and other projects as the net proceeds will be assigned to the Strategic Acquisitions Reserve Fund (if the revocation and disposal is ultimately approved by Council).

**Revocation process**

The *Local Government Act 1999* states that all council land (excluding roads) is classified as community land and that council may only sell or otherwise dispose of an interest in community land after revocation of this classification.

To commence that process, Council must first declare the land surplus to requirements and potentially suitable for disposal, followed by public consultation.

As part of the public consultation process council follows the requirements of the *Local Government Act 1999* and seeks public comment for a minimum period of 21 days, by placing a notice in the local Messenger Newspaper in addition to giving written notice to the applicant and adjacent land owners, uploading the proposal on Council’s website and providing information folders at our five Customer Service Centres. If appropriate, council may also erect a sign on the land during the consultation period inviting comments on the proposal to revocate and the intention to ultimately dispose of the land.

A second update report is presented to Council discussing the outcomes of the public consultation phase to enable Council to decide if it should proceed with the revocation process by applying for the consent of the Minister for Planning.

A third report is provided to Council to formally approve the revocation once the consent of the Minister is received.

**Council policy on the disposal of council land**

Council adopted a ‘Disposal of council land and other assets’ Policy on 7 September 2010. Broadly, the policy provides a number of disposal options, a range of matters that may influence the disposal process and method, and possible conditions that should be applied to any real property disposal.

The proposal outlined in this report for the disposal of the subject land (should a revocation be successful) is in accordance with council’s Disposal Policy. Of particular relevance to this disposal are the following:

1. It is intended to deal direct with the adjacent owners.
2. The land will be disposed at no less than the current market value.
3. All costs associated with the disposal together with the purchase price of the land will be borne by the purchaser.
4. The subject land will be consolidated with the purchaser’s existing title.

**Valuation Procedure**

The revocation process has the expectation that Council will consider revoking the classification of community land on an objective basis and determine, on balance, what is in the best interests of the community without the financial outcome of the process in mind.

A valuation is sought at the end of the revocation process, once Council has decided on the merits of removing the land from the classification of community land and a final decision on its disposal is known.