

1.3 DISPOSAL OF LOCAL GOVERNMENT PROPERTY

DELEGATED BY: Council

DELEGATED TO: Chief Executive Officer

POWER/AUTHORITY DELEGATED: *Section 3.58 Local Government Act 1995*
Regulation 30 Local Government (Functions and General) Regulations 1996

Disposal of Property other than an interest in Land:

1. Authority to dispose of property other than an interest in land where the individual market value of the property to be disposed is less than \$150,000.00 (excluding GST).
2. Authority to determine tender selection criteria if disposing of property (other than an interest in Land) using a public tender process.
3. Authority to gift or donate property (that is not money or an interest in land) with a maximum cumulative value of \$5,000.00 (excluding GST).
4. Authority to consider any submissions made before the date specified in the notice if disposing property (other than an interest in Land) using a local public notice process.

Disposal of an interest in Land:

5. Authority to dispose of an interest in Land by way of commercial/community lease or licence where the value of the disposition is less than or equal to \$~~3501,000~~3501,000,000.00 (excluding GST) per annum.
6. Authority to consider any submissions made before the date specified in the notice if disposing of an interest in Land using a local public notice.
7. Authority to determine tender selection criteria if disposing of Land using a public tender process.
8. Authority to dispose of an interest in Land by way of residential lease.

SUB-DELEGATED TO:

Director Community Services, Director Corporate Services, Director Development Services and Director Strategic Projects and Infrastructure.

CONDITIONS:

- Directors are sub-delegated to exercise Authority 1 and Authority 2 above only if the individual market value of the property to be disposed of is less than \$50,000.00 (excluding GST);
- Director Corporate Services is sub-delegated to exercise Authority 5 and 8 above; and
- In accordance with section 3.58 of the ***Local Government Act 1995*** all disposals must be by way of public auction, public tender or local public notice unless the disposal is an exempt disposal under Regulation 30 of the ***Local Government (Functions and General) Regulations 1996***.
- For disposals of local government property that are exempt under Regulation 30 of the ***Local Government (Functions and General) Regulations 1996*** refer Council's Disposal Policy(s).

POWER TO DELEGATE:

Section 5.42 Local Government Act 1995 – Council may delegate to the CEO.

Section 5.44 Local Government Act 1995 – a CEO may delegate to any employee of the local government the exercise of any of the CEO's powers or the discharge of any of the CEO's duties under the ***Local Government Act 1995***.

Section 5.43(d) Local Government Act 1995 – a local government cannot delegate to the CEO the power to dispose of any property exceeding an amount determined by a local government for the purpose of s.5.43(d).

RECORD OF USE:

Details of decisions made are to be recorded in writing and retained in the Council record keeping system, along with any evidentiary documents such as leases/sale and purchase agreements. Such records/documents must contain sufficient information to ensure that the requirements of Regulation 19 of the ***Local Government (Administration) Regulations 1996*** are met.

FIRST ADOPTED:

20/03/2017

LAST AMENDED:

30/06/2021