Strategic Plan:	Drive energy efficiency and emissions reductions across council facilities and operations Integrate sustainability principles into all aspects of service delivery and infrastructure. Focus on delivering financial sustainability and responsible asset renewal.
Classification:	Infrastructure, Environment and Regulatory Services
First Issued/Approved:	*November 2025*
Review Frequency:	*Regulatory Requirement: Within 12 months of a General Election* *Good Governance Practice: Annually*
Last Reviewed:	*11/11/2025*
Next Review Due:	*11/11/2027*
Responsible Officer(s):	*General Manager Infrastructure, Environment and Regulatory Services*
Council File Reference:	*COUNCIL - POLICIES*
Applicable Legislation:	*Competition and Consumer Act 2010* *Competition Policy Reform (SA) Act 1996* *Criminal Law Consolidation Act 1935* *Disability Discrimination Act 1992* *Freedom of Information Act 1991* *Independent Commission Against Corruption Act 2012* *Industry Advocate Act 2017* *Local Government (Elections) Act 1999 – Caretaker Provision* *Local Government Act 1999 (SA)* *Local Government (Financial Management) Regulations 2011* *Modern Slavery Act (Cth) 2018* *Ombudsman Act, 1972* *State Records Act 1997* *Work Health and Safety Act 2012 and Regulations 2012*
Relevant Policies:	*Code of Conduct - Council Employees;* *Fraud & Corruption Prevention Policy;* *Asset Accounting Policy;* *Asset Management Policy;* *Procurement Policy*
Related Procedures:	*Public Consultation **not** required prior to adoption or alteration*
Delegations:	Chief Executive Officer

1. Introduction:

This document sets out the policy of the Berri Barmera Council ("Council") in relation to the disposal of land and assets.

2. Purpose:

This purpose of this policy is to set out the principles and processes which apply when Council is disposing of land and other assets including major and minor plant and equipment.

Section 49 (1) of the Act states that Council must prepare and adopt a policy on the sale or disposal of Land and other assets.

Section 49 (2) provides that the Policy must:

- identify the circumstances where Council will sell or dispose of Land or other assets;
- provide a fair and transparent process for calling tenders and entering into contracts in those circumstances;
- provide for the recording of reasons for entering into contracts other than those resulting from a tender process; and
- be consistent with any requirement prescribed by the regulations.

Section 201 of the Act makes provision for Council to sell or dispose of an interest in Land and sets out the circumstances under which Council can dispose of community Land or Land forming a road or part of a road.

3. Scope:

This policy applies to all Council procedures for the disposal of physical items owned by Council including land, buildings, plant, equipment, furniture and fittings.

This policy does not cover:

- land sold by Council for the non-payment of rates; or
- disposal of goods which are not owned by Council, such as abandoned vehicles and their contents

as these are subject to separate legislative powers and duties pursuant to the Act.

4. Definitions:

In this Policy, unless the contrary intention appears, these words have the following meanings:

Key Term – Acronym	Definition
Act	Means the *Local Government Act 1999*
Asset	Means any physical item that the Council owns and that has at any time been treated pursuant to the Australian Accounting Standards as an 'asset' and includes all plant and equipment. It does not include financial investments or finance related activities.
Authorised Officer	Means a Council Officer with formal (sub)delegation and/or financial authorisation granted by written instrument from the Chief Executive Officer to enter into contracts and transactions to a specified value and unless contrary provisions apply includes the Chief Executive Officer and General Managers.
Disposal	Means the sale or other transfer of an asset by Council to another party.
Land	Includes community land, vacant land, operational land, road reserves, any legal interest in land, and any other land-related assets, including all buildings (community and operational) on Land.
Minor Plant, Materials and Equipment	Includes assets other than land and buildings with an original purchase cost of less than $10,000 (excluding GST). This category may include loose tools, store items, furniture, secondhand items removed from other plant and equipment (such as air conditioners, bricks and pavers) and surplus bulk items.

5. Roles and Responsibilities:

Council:

Council is responsible for approving an appropriate Disposal of Land and Assets policy.

Chief Executive Officer:

The Chief Executive Officer ensures that:

- there are appropriate resources to fulfil the effective outcomes of this policy; and
- they comply with this policy; and
- they review the processes and value of this policy.

General Managers:

The General Managers ensure that:

- there are appropriate resources to fulfil the effective outcomes of this policy; and
- they Comply with this policy.

Council Staff:

- Council staff will comply with this policy

6. Policy Objectives:

The primary objective of this policy is to achieve the principles outlined within section 49 (a1) of the *Local Government Act 1999* (SA).

7. Policy Principles:

Council must have regard to the following principles in its disposal activities:

7.1 Open and Effective Competition

Disposal of assets should be open and result in effective competition. Council must give fair and equitable consideration to all prospective purchasers.

7.2 Value for Money

Council must aim to achieve the best value for money in disposing of assets. The concept of value for money is not restricted to price alone. The value for money assessment must include consideration, as applicable, of:

7.2.1 the contribution to Council's strategic plan and other priorities;
7.2.2 financial considerations, including all relevant direct and indirect benefits both tangible and intangible;
7.2.3 the costs associated with various disposal methods; including internal administration costs;
7.2.4 risk exposure; and
7.2.5 the value of any associated environmental benefits.

7.3 Ethical Behaviour and Fair Dealing

Council employees involved in disposal are to:

7.3.1 behave with impartiality, fairness, independence, openness, integrity and professionalism in their discussions and negotiations with prospective purchasers and their representatives particularly through open and competitive processes of sale where practical and appropriate;
7.3.2 provide all prospective purchasers with equal opportunity to make an offer;
7.3.3 use straight forward and user-friendly tender documentation;
7.3.4 adopt clear and easy to understand evaluation criteria and methodology;
7.3.5 maintain consistent processes and feedback on decisions;
7.3.6 offer access to a timely and effective complaints procedure; and
7.3.7 ensure effective communication and provision of information to all prospective purchasers.

7.4 Probity, Accountability, Transparency and Reporting

Any disposal shall be undertaken in a manner that ensures:

7.4.1 clearly established roles and responsibilities;
7.4.2 appropriate record keeping and documentation;
7.4.3 transparency of decisions made;
7.4.4 adherence to all legislation and Council's code of conduct;
7.4.5 the identification and management of actual or potential conflicts of interest; and
7.4.6 the confidentiality of all commercial information.

7.5 **Environmental Protection**

Council promotes environmental protection through its disposal procedures and will encourage environmentally responsible activities relating to any disposal activities.

8. Considerations Prior To Disposal of Land and Assets:

Any decision to dispose of land and assets will be made after considering (where applicable):

8.1 the usefulness of the land or asset;

8.2 the current market value of the land or asset;

8.3 the annual cost of maintenance;

8.4 any alternative future use of the land or asset;

8.5 any duplication of the land or asset or the service provided by the land or asset;

8.6 any impact the disposal of the land or asset may have on the community;

8.7 any cultural or historical significance of the land or asset;

8.8 any impact of the disposal of the land or asset may have on the community and/or Council;

8.9 the long term plans and strategic direction of the Council;

8.10 the remaining useful life, particularly of an asset;

8.11 a benefit and risk analysis of the proposed disposal;

8.12 the results of any community consultation process;

8.13 any restrictions on the proposed disposal;

8.14 the content of any community land management plan; and

8.15 any other relevant policies of the Council.

Consideration given to these matters will be recorded in Council's corporate records management system and in the case of a decision to dispose of land, will be presented in a report at a meeting of Council prior to the disposal decision being made.

9. Disposal Methods and Conditions:

9.1 Land and Buildings

9.1.1 Disposal Conditions:

a. If land is to be auctioned or placed on the open market or disposed of by an expression of interest or select tender, then (unless the Council resolves otherwise) an independent valuation must be obtained to establish the reserve price for the land. The independent valuation must be made no more than 6

months prior to the proposed disposal.

b. If land is to be disposed of via direct sale, then (unless the Council resolves otherwise) an independent valuation must be obtained to ensure that an appropriate market value is obtained. The independent valuation must be made no more than 6 months prior to the proposed disposal.

c. An independent valuation will not be required for a disposal where the current valuation as per Council's asset register is less than $25,000.

d. The Council will not dispose of land to any Council Member or employee of the Council or the immediate family of Council Members or employees who has been involved in any process related to a decision to dispose of the land and/or the establishment of a reserve price. The Council will seek to dispose of land by whichever method is likely to provide the Council with a maximum return at or near current market valuation, unless there are reasons for the Council to accept a lesser return which is consistent with the Council's overall strategic direction. These reasons must be documented in writing.

e. If the disposal is not to be on the open market, the disposal amount should have due regard to the value of the land (independent or estimation) and the recovery of associated costs necessary to achieve the transaction.

f. Where the land forms or formed a road or part of a road, the Council must ensure that the land is closed under the *Roads Opening and Closing Act 1991* (SA) prior to its disposal.

g. Where land is classified as community land (as per Council's Community Land Register), the Council must:

    a. undertake public consultation in accordance with the Act and the Council's public consultation policy; and
    b. ensure that the process for the revocation of the classification of land as community land has been concluded prior to its disposal; and
    c. comply with all other requirements under the Act in respect of the disposal of community land.

h. Where the Council proposes to dispose of land through the grant of a leasehold interest, the Council must have complied with its obligations under the Act, including its public consultation obligations under Section 202 of the Act.

i. No land will be disposed of without a Council resolution relating to the sale.

j. Where a public auction fails to realise a sale, the Chief Executive Officer or delegate may dispose of the Land at the best available price, provided that the offer is at or above the reserve sale price of the Land.

9.1.2 Disposal Methods

The Council will, where appropriate, dispose of land through one of the following methods:

(a) **open market sale** - advertisement for sale of the Land through printed and other accepted media or by procuring the services of a licensed real estate agent in accordance with Council's Procurement Policy.
(b) **expressions of interest** - seeking expressions of interest for the land;
(c) **select tender** - seeking tenders from a selected group of persons or companies;
(d) **open tender** - openly seeking bids through tenders, including public auction;
(d) **public auction** - by procuring the services of a suitably qualified auctioneer in accordance with Council's Procurement Policy, with an established reserve price; or
(e) **by negotiation** - with owners of land adjoining the land or others with a pre-existing interest in the land, or where the land is to be used by a purchaser whose purpose for the land is consistent with the Council's strategic objectives for the land. This may include:
- land that because of its small size, dimensions or irregular shape would not readily support a self contained development outcome;
- land that has no legal access; or
- land to be developed by another sphere of government.

9.1.3 Disposal Method Selection

Selection of a suitable disposal method will include consideration of (where appropriate):

(a) the number of known potential purchasers of the land; the original intention for the use of the land;
(b) the original intention for the use of the land;
(c) the current and possible preferred future use of the land;
(d) the opportunity to promote local economic growth and development;
(e) delegation limits, taking into consideration accountability, responsibility, operation efficiency and urgency of the disposal;
(f) the total estimated value of the disposal; and
(g) compliance with statutory and other obligations.

9.2 Assets (Other than Land and Buildings)

9.2.1 Disposal Conditions

(a) Consideration will be given to direct disposal of minor plant and equipment to a community/sporting group(s) where it is considered that such disposal provides a cost/service benefit to Council. Other groups may be provided with opportunity to participate in the disposal where the administrative resources necessary for such participation are not considered to outweigh or exceed the benefit/savings to be achieved or the asset value.

(b) Elected Members and employees of the Council and the immediate family of Elected Members or employees will not be permitted to purchase assets unless the purchase is at the Re-Use Market for the advertised price or via an open tender process or a public auction, and the tender submitted or bid made is the highest. The Council will not dispose of any asset to any Council Member or employee of the Council or the immediate family of Elected Members or employees who has been involved in the establishment of the sale price at the Re-Use Market.

(c) Purchasers of assets must be required to agree in writing that before purchasing any asset that no warranty is given by the Council in respect of the suitability and condition of the asset for the purchaser and that the Council will not be responsible for the asset in any respect following the sale.

(d) The sale of assets will be the responsibility of the relevant General Manager who is responsible for those assets.

9.2.2 Disposal Methods

The Council will, where appropriate, dispose of assets through one of the following methods:

(a) **trade-in** – trading in equipment to suppliers;
(b) **expressions of interest** - seeking expressions of interest from buyers;
(c) **select tender** - seeking tenders from a selected group of persons or companies;
(d) **open tender** - openly seeking bids through tenders; or
(e) **public auction** - by procuring the services of a suitably qualified auctioneer in accordance with Council's Procurement Policy.

Council may be unable to adhere to this in unique circumstances, please refer to Section 11 of this Policy.

9.2.3 Disposal Method Selection

Selection of a suitable disposal method will include consideration of (where appropriate):

(a) the public demand and interest in the asset;
(b) the method most likely to return the highest revenue;
(c) the value of the asset;
(d) the costs of the disposal method compared to the expected returns;
(e) compliance with statutory and other obligations; and
(f) Disposal as refuse or scrap.

10. Sale Of Items Which Are Not Assets:

Where Council determines to dispose of items which are not on Council's asset register and are not subject to any alternative statutory procedure, this policy can be used as a guide by estimating the value and following disposal methods with the appropriate level of accountability and transparency.

11. Exemptions From This Policy:

There may be emergencies, or disposals in which a tender process will not necessarily deliver the best outcome for the Council and other market approaches may be more appropriate. In certain circumstances, the Council may, after approval from its elected members, waive application of this Policy and pursue a method which will bring the best outcome for the Council. The Council must record its reasons in writing for waiving application of this Policy.

12. Consultation:

Council must undertake public consultation in respect of its proposed disposals in accordance with the Act and its public consultation policies where applicable.

13. Records:

Council must record reasons for utilising a specific disposal method in each activity and where it uses a disposal method other than a tendering process.

14. Risk Management:

This policy is to be administered with regard to and consistent with Council's Risk Management Framework Policy and risk management practices and procedures..

15. Review Of Policy

This Policy will be reviewed:

- every four years; or
- the frequency dictated in legislation; or
- earlier in the event of changes to legislation or related Policies and Procedures; or
- if deemed necessary by the General Manager Infrastructure, Environment and Regulatory Services.

16. Further Information

This Policy will be published on the Council's website and will be available for inspection at the principal office of the Council.

Electronic version on the website is the controlled version.
Printed copies are considered uncontrolled.
Before using a printed copy, verify that is the current version.