

1 Policy Statement

The Town of Gawler is committed to ensuring a consistent, fair, transparent and accountable approach to the sale or disposal of Council-owned land and assets, in accordance with legislative requirements and sound governance practices.

2 Scope

This Policy provides a framework for the sale or disposal of land and assets owned by Council. It does not apply to the sale of abandoned vehicles or the sale of land for recovery of rates, which are governed by the *Local Government Act 1999* (the Act).

3 Legislation and References

This Policy has been developed in accordance with section 49 of the Act which requires Council to develop and maintain a policy for the sale or disposal of land and assets. This Policy should be read in conjunction with relevant provisions of the Act, including sections 48, 49, 201 and 202, and the *Roads (Opening and Closing) Act 1991*.

This Policy underpins and supports the Procurement Policy, and the procurement objectives outlined in that policy apply to any procurement activity associated with, or arising from, the sale or disposal of land and assets.

This Policy should also be read in conjunction with Council's Asset Capitalisation Policy, Public Consultation Policy, Asset Management Policy, Gawler Heritage Collection Policy, Asset Management Plans, Long Term Financial Plan and Delegations Register.

4 Definitions

For the purposes of this Policy the following definitions apply:

assets	any physical item owned by Council and recognised in Council's asset register, including plant and vehicles, furniture, equipment, information and communication technology equipment, infrastructure and buildings, but excluding land unless otherwise stated
capitalisation threshold	the value set out in Council's Asset Capitalisation Policy that determines whether an asset is capitalised or expensed
direct sourcing	directly approaching or negotiating with one or more parties, without testing the market
land	land owned by the Council or under Council's care, control or management, including freehold land, community land, road reserves or former road reserves, easements, and any improvements affixed to the land unless otherwise stated
open tender	advertising of a tender to the entire market via an open invitation process
public auction	a formal transaction where land or assets are held for sale to the market and sold to the highest bidder
select tender	the selection of parties that will be invited to tender; selection may be from a multi-use list, a list of parties that have previously responded to an expression of interest or a list of potential parties that have been granted a licence or comply with a legal requirement.
trade-in	including an asset owned by Council in the purchase of another asset, usually of similar characteristics, in order to achieve an efficient asset change-over transaction

5 Policy

5.1 Reasons for disposal of Land or Assets

5.1.1 A decision to dispose of land or assets may be based on one or more of the following:

- the land or asset is no longer required to support current or future service delivery
- the current use of the land or asset does not achieve its highest and best use
- the land or asset has reached the end of its useful life or is no longer fit for purpose
- ongoing maintenance, renewal, or compliance costs are disproportionate to its value or benefit
- disposal represents an appropriate point in the asset lifecycle to realise value
- the land or asset has limited strategic, operational, or community value
- disposal would have no material impact on Council operations or service levels
- the land or asset presents ongoing work health and safety, environmental, or regulatory risks
- environmental due diligence considerations support disposal.

5.2 Sale or Disposal Principles

5.2.1 Prior to disposal, reasonable efforts must be made to confirm that the asset is not required for current or future Council operational, service delivery, or strategic needs.

5.2.2 Assets of historical or cultural significance must be given special consideration in accordance with the Gawler Heritage Collection Policy.

5.2.3 Hazardous materials must only be disposed of through authorised channels.

5.2.4 Staff and Council Members involved in disposal processes must declare any actual or perceived conflict of interest and ensure probity and fairness throughout the process.

5.2.5 For land and assets valued above Council's capitalisation threshold, the following principles apply:

- consistency with Council's corporate and strategic plans
- transparency, accountability and probity in sale and disposal processes
- ensuring value for money
- open and effective competition, ensuring fairness, impartiality and equal opportunity for potential purchasers
- ethical conduct, independence, and fair dealings throughout the process
- enhancement of local economic development and growth
- compliance with all statutory obligations
- maintaining commercial confidentiality within legislative limits
- consideration of risk, public interest and financial sustainability
- consideration of environmental sustainability, reuse, and waste minimisation where appropriate
- other relevant factors deemed appropriate by Council.

These principles are intended to be applied proportionately, having regard to the value and risk of the land or asset.

5.3 Sale or Disposal Methods

5.3.1 Council may utilise one or more of the following methods for the sale or disposal of land or assets:

- trade-in
- public auction
- open tender
- select tender
- online public selling platform for low value, low risk assets
- direct sourcing, where justified

- 5.3.2 The most appropriate disposal method will be determined having regard to:
- the value, risk, and nature of the land or asset
 - market conditions and the potential for open and effective competition
 - Council's commercial, operational, and strategic interests
 - legislative and consultation requirements
 - the principles set out in this Policy.
- 5.3.3 Disposal approvals must be obtained in accordance with the Delegations Register.
- 5.3.4 The use of direct sourcing or any alternative disposal method must be approved by the Chief Executive Officer and supported by documented justification.
- 5.3.5 Disposal of assets below the capitalisation threshold may be approved by the Chief Executive Officer or relevant Executive in accordance with the Delegations Register and may be undertaken using any method that achieves best value, having regard to the low value and low risk of the asset.
- 5.3.6 All disposal decisions, including method selection, approvals, valuation, conflicts of interest, and reasons for any alternative process, must be appropriately documented and retained in accordance with Council's records management requirements and legislative obligations.

5.4 Sale or Disposal of Land

- 5.4.1 In determining whether to dispose of land, Council will consider long-term community benefit, strategic land use objectives, and alignment with Council's strategic and asset planning frameworks.
- 5.4.2 Land disposals must be approved in accordance with Council's Delegations Register.
- 5.4.3 Land that forms part of a road must be closed under the *Roads Opening and Closing Act 1991* before disposal.
- 5.4.4 Where community land is proposed to be disposed of, the revocation process must be completed, and Council must undertake public consultation in accordance with section 201 of the Act and the Public Consultation Policy.
- 5.4.5 Where disposal involves the granting of a leasehold interest, Council must comply with section 202 of the Act, including public consultation where required.
- 5.4.6 A suitably qualified and independent valuation of the land must be obtained, unless Council determines, based on the low value or nature of the transaction, that a valuation is not required.
- 5.4.7 Council will seek to dispose of land at or above valuation, unless there are reasons for Council to accept a lesser return which is consistent with Council's overall strategic direction.

5.5 Unsolicited Proposals to Council for the sale or disposal of land or assets

Unsolicited proposals for the sale of land or assets must be handled in accordance with the Unsolicited Proposals Policy.

5.6 Sale to Employees/Council Members

Sale of assets to employees or Council Members must only occur through a public process where members of the public have equal opportunity to purchase.

5.7 Roles and Responsibilities

- 5.7.1 Council is responsible for approving disposals of land and strategic or high-value assets, in accordance with the Delegations Register and the Act.
- 5.7.2 The Chief Executive Officer is responsible for ensuring disposal processes comply with this Policy, relevant legislation, and Council's delegations.

- 5.7.3 Executive Managers are responsible for identifying land or assets that are surplus to Council requirements, ensuring appropriate internal checks are undertaken, and approving disposals within delegation.
- 5.7.4 Officers are responsible for implementing disposal processes, maintaining records, and ensuring probity and compliance.

6 Administrative Information

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Applicable Legislation	<i>Local Government Act 1999</i>
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Adopting Authority	Council

7 Version History

Revision	Date	Change
1	24 February 2026	Comprehensive review and update to current policy template, improving clarity and consistency.