

POLICY:	LAND - SALES
DATE ADOPTED:	Director Corporate Services & Finance's Report 8.2.6 Council 16 June 2021 Resolution No ORD2021-193 Council 18 August 2021 Resolution No ORD2021-294 Council 22 September 2021 Resolution No ORD2021-312 Director Corporate Services & Finance's Report #5 Council 18 May 2016 Minute Book No. 12260
ORIGINAL ADOPTION:	Director Business & Economic Development's Report #1 Policy 1 March 2006 Council 15 March 2006 Minute Book No. 9799
FILE REFERENCE:	20.00009
OBJECTIVE	To establish a procedure for all land sales

1. POLICY INTRODUCTION

- 1.1 The *Local Government Act, 1993* requires councils to prepare and adopt policies on contracts and tenders, including policies on the sale or disposal of land and other assets in addition to those matters addressed in the Purchasing Policy.

2. POLICY OBJECTIVES

- 2.1 The objectives of this policy are to ensure Bathurst Regional Council's processes for the sale and disposal of land are fair and transparent.

3. POLICY STATEMENTS

- 3.1 This Policy includes land as a physical entity including buildings, structures or improvements to land.
- 3.2 Land also includes a legal estate or interest such as a leasehold estate. This Policy does not cover easements or rights of way.
- 3.3 Sale and disposal of land will be consistent with Council's economic, social and/or environmental objectives.
- 3.4 When considering options for the sale and disposal of land, Council will look for opportunities to advance the objectives of the Council's Management Plan.

- 3.6 The process for the sale and disposal of land will be fair and transparent to ensure Council obtains the best outcomes and price.
- 3.7 Commercial confidentiality will apply to negotiations for sale and disposal of land unless Council decides otherwise.

4. MAJOR LEGISLATIVE AND CORPORATE REQUIREMENTS

- 4.1 This Policy complies with the requirements of the *Local Government Act 1993*.
- 4.2 Other major legislative requirements that may be relevant include the following:
- Property, Stock and Business Agents Act 2002
 - *Real Property Act 1900*
 - *Conveyancing Act 1919*
 - *Community Land Development Act 1989*
 - *Strata Schemes (Freehold Development) Act 1973*
 - *Strata Schemes (Leasehold Development) Act 1986*
 - *Roads Act 1993*
- 4.3 This Policy is to be implemented in conjunction with other relevant Council policies and strategies including the following:
- Bathurst Regional Council Delivery Plan and Annual Operating Plan
 - Purchasing Manual
 - Community Engagement Strategy

5. LAND SALE PROCESS (Residential / Commercial / Industrial)

- 5.1 Report prepared for Council to approve sale, pricing and sale process for any new release of land.
- 5.2 Advertise sale and release method minimum two weeks prior to land release.
- 5.3 Land release method:

Ballot Release being General Release “A” then, General Release “B”

5.3.1 Ballot Release “A”

- Register for the ballot using Ballot application form and incorporating a Statutory Declaration form to state the only on (1) application per person will be filled out regardless of nominated entity.
- Thereafter applicant cannot apply for a second ballot application as they are now ‘excluded’ from being involved in a second application in any way, shape or form.
- Registration would open 8.30am on (date specified).
- Registration would close at 4.45pm on (date specified)
- Ballot drawn at Council Chamber, civic Centre, 158 Russell Street, Bathurst, 10am (date to be specified) and within 7 days of ballot closing.
- Partnerships, companies and trusts must supply their CAN or ABN to validate their ballot.
- Transfer of land will be in the name/s registered on the ballot application form
- The ballot applicant/s will have twenty-one (21) days from receipt of Sale Contract issued to their Solicitor/Conveyancer to finalise an exchange. Failure

to comply will result in the Sale Contract being cancelled and the property being made available to other interested purchasers.

- The ballot applicant or their representative (Proxy) authorised in writing must be present at the ballot draw to select a lot in order of the draw. Failure to attend the ballot or acknowledge the drawn application number will result in that application number being invalid and another application number being drawn.

5.3.2 General Release "B"

8.30am – next working day after ballot (date to be specified) Council will offer any remaining lots under normal Market Conditions on a first come first serve basis.

5.3.3 Hand ins or non-Exchanged Lot's

Any lots handed back into Council after Ballot process or any lots failed to exchange during the twenty-one (21) day sale contract period. Will be 'held' and offered to the public via Council's website at a time of Council's choosing.

6. SPECIAL CONDITIONS

Offer builder's terms with up to twelve (12) months delayed settlement, such terms not available until one (1) month after the ballot draw date. These terms also require lodgment of a Development Application within three (3) months of exchange of contract otherwise sale will be cancelled, and deposit refunded less Council costs. Council requires a copy of the Contract's valid Builders Licence and Public Liability Insurance Policy as part of sale of contract.

Builders terms are available to licensed builders only and are not transferable to any third party.