
Cessnock City Council Property Management Policy

Date Adopted: 12 December 2018 Revision: V1

1. Policy Objectives

The objective of this policy is to provide a framework for the consistent management of Council's real estate assets.

This Policy applies to all land and buildings owned and managed by Cessnock City Council

2. Policy Scope

This policy applies to all Council's real estate assets, including investment property.

Investment Property is property held for income generation under the Property Investment Fund, which has been established to provide an ongoing income stream which will supplement Council's rate revenue.

3. Policy Statement

The Local Government Act 1993 and Local Government (General) Regulation 2005 sets out Council's obligations in regard to public land.

Council's Property Management Guidelines establish a consistent approach to property management and an integrated framework for all elements of property ownership.

3.1. Classification of Public Land

The *Local Government Act 1993* requires Council to classify public land as either operational or community land. No restrictions apply to the management of operational land, however restrictions do apply to community land. Council is required to prepare Plans of Management for community land and these plans of management identify how the land is to be used and whether the land may be leased or licensed.

3.2. Property Acquisition

The power to acquire land is not to be delegated and where Council acquires land a resolution of the Council is required. Section 186 of the *Local Government Act 1993* provides that Council may only acquire land for the purpose of exercising any of its functions. The functions of Council are defined in the *Local Government Act 1993* and include but are not limited to:

- a) Community services and facilities
- b) Public health services and facilities
- c) Cultural educational and information services and facilities

- d) Sporting, recreational and entertainment services and facilities
- e) Waste removal and disposal services and facilities
- f) Stormwater drainage and flood prevention protection and mitigation services and facilities
- g) Land and property development
- h) Tourism development and assistance.

Council also has the power to acquire land for road purposes under the *Roads Act 1993*.

The *Land Acquisition (Just Terms) Compensation Act 1991* sets out the requirements for Council in regard to compulsory acquisition of land.

3.3. Leasing and licensing

Council is responsible for the care and management of a significant land bank as well as parcels of crown land.

Sections 45 to 47F of the *Local Government Act 1993* set out the restrictions applying to the leasing or licensing of community land.

Where appropriate to do so, Council may enter into leases or licences in accordance with the Property Management Guidelines.

3.4. Valuation

Suitably qualified valuers are to be engaged to value Council land for the purposes of acquisition, sale or rental.

3.5. Disposal

The power to dispose of Council land is not to be delegated and requires the resolution of Council. Council has no power to dispose or sell public land classified as community land except as provided for in s45 (4) of the *Local Government Act 1993*.

Policy Administration

Business Group:	Strategic Planning
Responsible Officer:	Strategic Planning Manager
Policy Review Date:	Three (3) years from date of adoption unless legislated otherwise
File Number / Document Number:	DOC2018/063689
Policy Number:	
Relevant Legislation:	<ul style="list-style-type: none"> • Local Government Act, 1993 • Local Government (General) Regulation, 2005 • Land Acquisition (Just Terms) Compensation Act, 1991 • Roads Act, 1993 • Real Property Act, 1900 • Conveyancing Act, 1919 • Minister for Local Government's Investment Order • Residential Tenancies Act 2010 • Retail Leases Act 1994 • Valuation of Land Act 1916 • Environmental Planning & Assessment Act 1979 • Crown Land Management Act 2016
Related Policies / Protocols / Procedures	<ul style="list-style-type: none"> • Property Development & Investment Policy • Property Management Guidelines • Major Capital Projects Governance Policy • Investment Policy

4. Policy Authorisation

Code	Authorisation	Role(s)
	<p>The functions that are set out within and authorised by adopting this policy.</p> <p>Execution of the policy is subject to delegations as established by the relevant legislation.</p> <p>Policy implementation starts with Project Manager Strategic Property Review and escalates in line with delegations.</p>	<p>The role(s) authorised to perform the said function:</p> <ul style="list-style-type: none"> • Project Manager – Strategic Property Review • Strategic Planning Manager • Director of Planning and Environment • General Manager
	<p>Manage all breaches under this policy. Review and determine any potential breaches or complaints under this policy and refer them to Council's Code of Conduct Coordinator if needed.</p>	<p>The role(s) authorised to perform the said function:</p> <ul style="list-style-type: none"> • General Manager

5. Policy History

Revision	Date Approved / Authority	Description of Changes
1	12 December 2018 (PE90/2018)	New policy adopted
2		Periodic review

6. Appendices

Nil