
SURPLUS ROAD RESERVE DISPOSAL POLICY

1. The purpose of this policy is

To provide a procedural framework for appropriate disposal of Council owned or controlled surplus road reserves.

2. Policy statement

In cases where roads have been realigned or reconstructed, leaving residues of land between the new and old alignments, and where Council recommends, Council will offer land residues and road reserve, deemed to be surplus to Council's future requirements, to the open market or the adjacent land owners if appropriate.

2.1 – Determination of Appropriate Disposal

Where it is deemed by Council that land is surplus to its needs, in determining whether it is appropriate to dispose of the land to an adjacent land owner, Council must establish that the market is limited to an adjoining owner and this must be considered having regard to independent valuation advice by Councils current approved panel of contract valuers and to Councils LEP & DCP together with a recommendation by the members of Councils Property Management Panel. Final adoption for disposal is subject to Councils approval and must be consistent with the NSW Local Government Act 1993 & the NSW Roads Act 1993.

2.2 – Determination of Value

2.2.1 Any identified surplus lands proposed for disposal must be sold on a highest and best use basis, the value for which shall be determined by independent valuation advice by Councils current approved panel of contract valuers.

2.2.2 Where land is proposed to be sold to an adjoining owner, the valuation in determining sale price shall be carried out on an added value basis to the adjoining land. The before & after method of valuation shall be used to determine the enhancement value to the adjoining land and the difference shall determine the value. Where transfer will enhance adjoining site to subdivision or greater density this will be taken into consideration within the valuation.

2.2.3 Where the land is assessed to be disposed of via an open market sale this will be carried out by way of Public Auction. Council's current approved panel

of contract valuers will set the reserve. This document shall remain commercial in confidence prior to any sale of the property.

2.3 – Matters to be Considered in Determining Disposal of Land to an Adjoining Owner

2.3.1 – Establishment that the market is limited to a single adjoining owner.

2.3.2 – Sale price has been determined in accordance with Clause 2.2 of this Policy.

2.3.3 – All Councils disposal costs are met by the purchaser and shall be paid up front upon application. This is not limited to but includes valuation fees, transfer costs, legal fees & council officers time in dealing with the matter (in line with Property Teams current schedule of fees).

2.3.4 – The Purchaser is responsible for their acquisition costs.

2.3.5 – Establishment that transfer to the land to a private purchaser shall not inhibit access to other adjoining lands.

2.3.6 – The applicant should be made aware that Council gives no Guarantee in relation to any potential development value of the land and that any DA application will be viewed at arms length on its merits in Line with the current Warringah LEP

2.3.7 – Where applicable the applicant should be able to demonstrate that the purchase of surplus road reserve shall enhance the adjoining site in respect of access, car parking or landscaping.

2.3.8 - The property must be adjacent to road reserve, or clear nexus established.

2.4 Matters to be Considered in Determining Disposal of Land by Open Market Sale

2.4.1 – Auction reserve shall be determined in accordance with Clause 2.2 of this Policy.

2.4.2 - The Purchaser is responsible for their acquisition costs.

2.4.3 - Establishment that transfer to the land to a private purchaser shall not inhibit access to other adjoining lands.

2.4.4 - The applicant should be made aware that Council gives no Guarantee in relation to any potential development value of the land and that any DA

application will be viewed at arms length on its merits in Line with the current Warringah LEP.

2.5 General Matters to be Considered in Determining Disposal of Land

2.5.1 – Council shall not incur any expense in the consequent relocation of fences/ structures.

2.5.2 – The current use of the land, including any planned future Council requirements.

2.5.3 – Any services on or under the land owned by the various service authorities or companies and consideration given to sustaining the services if council disposes of the property.

2.5.4 – Likely possible future Council uses for the land. Examples of this are not limited to, but include, green corridors, open space, car parking, pedestrian way and widening or creation of sealed roadway.

2.5.5 – Existing traffic volumes

2.5.6 - Determining that projected traffic growth and residential development in the area is minimal and future road widening on the road is unlikely to be required.

2.5.7 - Adequate road reserve is still available after any sale for the provision of a future footpath & nature strip or other considered public purpose.

2.5.8 - Where there is an encroachment upon the road reserve and this comes to the attention of Council, the encroacher is required to sign a lease, remove the encroachment or make an application to purchase the road reserve at Councils determination.

2.5.9 - Any funds resulting from the sale must be allocated in accordance with the Local Government Act 1993 & the NSW Road Act 1993.

3. Amendments

GOV-PL 820 supersedes FIN-PL 210. GOV-PL 820 supersedes policy number 4.2.04. This policy was last amended on 14/8/84, as recorded in *Council Minute Number 799*.

Amendments to the policy were adopted on 27/06/06

4. Authorisation

The Surplus Road Reserve Disposal Policy was authorised by Council on 14/8/84.

The policy was reviewed and amendments adopted on 27/06/07

The policy is due for review on 27/06/09.

5. Who is responsible for implementing this policy?

Director, Corporate Services.

6. Document owner

Director, Corporate Services.

7. Dataworks Reference

Corporate Management – Public Office (Standards)

8. Legislation and references

Roads Act 1993

8.1 Definitions

None.