

<b>POWER / DUTY ASSIGNED TO</b>	Local Government
<b>POWER TO DELEGATE</b>	<i>Local Government Act 1995</i> s.5.42 Delegation of some powers or duties to CEO s.5.43 Limitations on delegations to CEO
<b>DELEGATED TO</b>	Chief Executive Officer
<b>POWER / DUTY DELEGATED</b>	<i>Local Government Act 1995</i> s.3.58 <i>Local Government (Functions and General) Regulations 1996</i> Regulations 30 (2a) and 30 (3)(a)
<b>FUNCTION</b>	<a href="#">s.3.58</a> <a href="#">Disposing of Property</a> <a href="#">Regulation 30</a> <a href="#">Dispositions of property exclude from Act s3.58</a>
<b>CONDITIONS</b>	<p><b>1. Disposal by Sale</b></p> <p>(a) The value of the land to be disposed of shall not exceed \$20,000 other than if paragraph (b) applies; or</p> <p>(b) Where the property is land valued at less than \$100,000 and has been put to public auction or put out to tender and not sold, the land may be disposed of in accordance with Regulation 30 (2a) of the <i>Local Government (Functions and General) Regulations 1996</i>; and</p> <p>(c) The value of property other than land to be disposed of shall not exceed \$100,000; and</p> <p>(d) Where the value of property other than land does not exceed \$20,000 the property may be disposed of in accordance with Regulation 30 (3)(a) of the <i>Local Government (Functions and General) Regulations 1996</i>.</p> <p><b>2. Disposal by way of Lease or Licence</b></p> <p>(a) Applies to land or buildings comprising established sporting or community facilities where any other part of the land or building has been leased or licensed by a local government before, subject to the following:</p> <p>(i) The maximum term of the lease or licence, including any right by a lessee to assign the lease or sublease the property or extend the term of the lease, shall not exceed 5 years unless the lease or licence is the renewal of a lease or licence by a sporting or community group of an existing building or land for a period of not more than 10 years;</p> <p>(ii) The value of the lease or licence does not exceed \$25,000 pa;</p> <p>(iii) The permitted use of the property must be consistent with:</p> <p>A. The designated purpose of the property; or</p> <p>B. The general or ancillary use of the property immediately prior to entering into the lease or licence; or</p>

	<p>C. If the property has recently be acquired, the intention for which the property has been acquired by the local government.</p> <p>(iv) This delegation does not include the power to allow assignment of a lease or sub-lease of the property subject to the abovementioned conditions.</p> <p>(b) In addition, this delegation applies to the first time a property is leased or licenced where the lease or licence is for the purpose of storage only or comprises an area of less than 100 square metres subject to the matters set out in paragraph 2 (a) (i) to (iv).</p> <p><b>3. Briefing and Reporting</b> At least every six months and more frequently if required by the Mayor or CEO, City officers shall provide Councillors a summary and update of leases or licences entered into under this delegation.</p>
<b>POLICY</b>	Nil
<b>REFERENCE DOCUMENTS</b>	Nil

<b>RECORD KEEPING</b>	ECM – GOVN001 ‘Authorised Delegation of Power/Authority’	
<b>VERIFICATION</b>	Initial Council Resolution C1706/151	Recent Council Resolution C1807/142
<b>RECENT ALTERATIONS</b>	June 2018	
<b>PREVIOUS DELEGATION REFERENCE</b>	LG3C – Disposing of Property	