PENRITH CITY COUNCIL

Policy Document

POLICY NAME
Unsolicited Requests to Purchase Council Owned Land Policy

DATE ADOPTED
27 June 2016

NEXT REVIEW DATE
10 September 2026

COUNCIL MINUTE NUMBER
PRC 31/ORD 153

POLICY TYPE
Council Policy

RESPONSIBLE DEPARTMENT
Legal

RELATED DOCUMENTS
- Local Government Act 1993
- Unsolicited Proposals February 2014 (NSW Government)
- Guidelines for Managing Risks in Direct Negotiations, May 2006 (ICAC)

Purpose

This policy establishes a fair, consistent and transparent approach for managing unsolicited requests to purchase Council owned land. Unsolicited requests to obtain a significant interest in Council owned land by way of a long-term lease may also be managed in accordance with this policy, taking into account the provisions of the Local Government Act 1993. The policy's key objectives are to:

- protect the community's land assets and interests by ensuring a merit-based process for assessing unsolicited requests to purchase or obtain a long-term lease of Council owned land, and
- provide consistency and certainty for public and private sector participants as to how their unsolicited requests will be managed and assessed by Council.

The policy is not intended to restrict Council's commercial dealings in land. Instead, it aims to care for the community's interest by ensuring Council owned land that is of high environmental, social, cultural or strategic significance is well protected.

Policy Statement

Penrith City Council welcomes innovative ideas from industry and other public sector organisations that provide real benefits for residents and visitors of the Penrith Local Government Area. Council recognises that some innovative ideas rely on the acquisition of Council owned land either through the purchase or long-term lease of that land.

Council's standard practice for selling or leasing land is to test the open market. This ensures that Council achieves value for money and provides equal opportunities for purchasers and lessees. However, there are circumstances where Council may choose to enter into exclusive negotiations with a proponent for the sale or lease of land without going to the open market if it is satisfied that there are justifiable reasons for doing so. This includes in response to an unsolicited request.

The NSW Local Government Act 1993 establishes certain requirements relating to both the short lease and long-term lease of Council owned land. Notwithstanding this policy, those provisions

will apply.

Unsolicited requests generally involve a suggestion that Council sell or lease a particular parcel of land to the proponent for a specific purpose. For the purposes of this policy, this suggestion by the proponent is considered to be the unsolicited request's associated proposal (the associated proposal).

It is the particulars of an associated proposal that provide Council with the information necessary to determine whether it will agree to or decline the unsolicited request.

The policy allows Council to agree to an unsolicited request where Council determines that:

- The outcomes of the associated proposal provide real benefits for Council and the community, and
- Council believes there are justifiable reasons for entering into direct negotiations with the proponent for the sale or lease of the land.

Scope

This policy deals with unsolicited requests to purchase or obtain a long-term lease of Council owned land. It applies to all customers and officers of Penrith City Council.

The policy does not deal with commercial terms relating to the sale or lease of land, requests to close or acquire laneways, or with development application and approval processes.

Terms and conditions relating to the sale or lease of land will be determined between Council and the relevant parties on a case-by-case basis. Proposed developments on land will be subject to the usual development application and approval processes, as would any other proposed development.

The NSW Local Government Act establishes certain requirements relating to both the short lease and long-term lease of Council owned land. Notwithstanding this policy, those provisions will apply.

PENRITH CITY COUNCIL

Policy Document

1. Introduction 4
2. Authority to Sell Land 4
3. Classification of Land 5
4. Reclassification of Community Land 5
5. Categories of Unsolicited Requests 6
6. Responsibilities, Accountabilities and Timeframes 6
7. Assessment Process 7
8.1 Stage 1 – Preliminary Enquiries and Concept Review 7
8.2 Stage 2 – Submission and Preliminary Assessment 8
8.3 Stage 3 – Consideration and Preliminary Recommendation by the Property Development Management Group 9
8.4 Stage 4 - Notification and Consultation with Councillors 10
8.5 Stage 5 – Negotiation and Binding Agreement 10
8.6 Stage 6 – Final Approval and Resolution of the Council 10
9. Assessment Criteria 11
10. Probity 15
11. Governance Arrangements 16
12. Policy Contact 16
13. Document Control 16

1. Introduction

Council regularly reviews its public land holdings to identify land that it may wish to sell or lease. When proposing to dispose of land, Council's standard practice is to maximise value for money and provide equal opportunities for purchases by offering the land for sale or lease through the open market.

There are times however where Council has not advertised a specific parcel of land for sale or lease, and it receives a request from a resident, business or other government organisation to purchase or lease of the land. This is considered to be an unsolicited request and will be managed in accordance with this policy.

Unsolicited requests have many forms but generally include a suggestion that Council sell or lease land to the proponent by exclusive negotiation and for a specific use or outcome (the associated proposal).

When deciding whether to agree to an unsolicited request Council will apply an evaluation process to consider the details of the associated proposal. This includes considering the proponent's intended use of the land, the potential impacts and benefits of that use, Council's long-term strategic objectives and the value for money that Council and the community will receive.

There are 3 possible outcomes from Council's strategic evaluation of an unsolicited request. They are:

1. Council may decline the unsolicited request (i.e. Council decides that it is not willing to sell or lease the land at that time or for the suggested purpose)
2. Council may agree to the suggestion to sell or lease the land but only on the condition that it markets the land for sale or lease through a competitive process, or
3. Council may agree to the unsolicited request based on conditions relating to the associated proposal (i.e. Council agrees to enter into direct negotiations with the proponent for the sale or lease of the land, for the purposes agreed to in the associated proposal).

Only in limited circumstances will Council agree to enter into exclusive negotiations for the sale or lease of land without first going through a competitive process. This decision is also subject to the provisions of the Local Government Act 1993.

Certain parcels of land vested in Council are classified as community land due to their special nature. The assessment process for unsolicited requests involving community land includes additional consideration to determine whether the associated proposal provides a net positive benefit to the community taking into account financial, social, economic and environmental factors. Provisions of the NSW Local Government Act 1993 must be applied.

2. Authority to Sell Land

Section 377 of the Local Government Act 1993 (NSW) provides general power for the Council to delegate a range of functions to the General Manager and other persons or bodies. Council cannot however delegate powers to sell, classify or reclassify public land. This means that final approval to sell land in response to an unsolicited request cannot be

granted until a Council resolution is obtained. There are also additional provisions relating to the lease of land in some circumstances.

Although not having the authority to sell or reclassify land, Council's officers can undertake preliminary work and assessment processes in response to unsolicited requests. For example, Council officers can:

• undertake preliminary processes to identify and recommend land for sale or lease
• respond to enquiries about land
• receive unsolicited requests
• process and assess unsolicited requests, and
• make recommendations about the outcomes of unsolicited requests and their associated proposals.

3. Classification of Land

The Local Government Act 1993 (NSW) requires that all land vested in Council must be classified as either "community land" or "operational land". The land classification requirements help to protect the public's interest in land by providing a mechanism for identifying land that should be kept available for public use and land that is required for other purposes. The main effect of classification is that it restricts the way in which Council deals with land.

Operational land has no special restrictions and can be sold by a resolution of the Council. Examples include:

- Council administration buildings
- Council depots
- Commercially leased properties
- Future development sites, and
- Other land held as temporary assets.

Community land is intended for public access and use and generally cannot be sold or otherwise disposed of by Council. The community land classification is intended to reflect the importance of that land to the community due to its special features. Examples include:

- Parks
- Reserves
- Sporting fields, and
- Land on which public buildings are situated (e.g. community halls).

4. Reclassification of Community Land

As a consequence of the classification requirements, Council cannot sell community land unless it is first reclassified as operational land. A reclassification can only be achieved by amending a local environmental plan. There are also additional provisions within the NSW Local Government Act 1993 relating to the lease of community land and those provisions will apply.

5. Categories of Unsolicited Requests

For Council to consider an unsolicited request it must be received in writing. Generally, Council may consider 4 broad types of unsolicited requests. They are:

- Unsolicited requests made by adjacent property owners to purchase or lease operational land
- Unsolicited requests made by any person, business or organisation to purchase or lease operational land, where the associated proposal presents a unique and beneficial opportunity to Council and the community
- Unsolicited requests made by adjacent property owners to purchase or lease community land, and
- Unsolicited requests made by any person, business or organisation to purchase or lease community land, where the associated proposal presents a unique and beneficial opportunity to Council and the community.

6. Responsibilities, Accountabilities and Timeframes

Head of Property Investment

The Head of Property Investment Head of Property Investment is responsible for coordinating the unsolicited request process, under the direction of Council's Property Development Management Group. This includes coordinating the assessment, consultation and reporting processes.

When a written submission is received, the Head of Property Investment will within 10 working days provide the proponent with a written acknowledgment that the submission has been received.

The Head of Property Investment will notify the proponent when the preliminary assessment process has been completed and provide the proponent with a summary of the assessment findings, the reasons for the decisions made and information on the next steps if applicable.

The Head of Property Investment is also responsible for notifying Councillors when an unsolicited request is received, processed and a preliminary assessment has been made. This will occur whether or not the request is recommended for support or decline.

Property Development Management Group

The Property Development Management Group is responsible for considering the outcomes of the preliminary assessment and for making a recommendation on the unsolicited request.

The target timeframe for the Property Development Management Group to make a preliminary recommendation is 60 days after the written request has been received. This timeframe may be extended where further information is needed from the proponent. It may also be extended to allow for consultation with the Property Development Advisory Panel, Councillors or other specialists where necessary.

Property Development Advisory Panel

Council has a Property Development Advisory Panel, comprised of independent specialists with high levels of property experience and expertise. The Property Development Advisory Panel will generally be consulted on an unsolicited proposal as part of the assessment process.

Notwithstanding the process outlined in this policy, the Head of Property Investment and the Property Development Management Group may consult with and rely on advice from the Property Development Advisory Panel at any stage of the unsolicited request process.

Councillors

Councillors will be consulted during the assessment process. Final approval for an unsolicited request resulting in the sale of land or lease of land is not guaranteed until a Council resolution is obtained. Similarly, a reclassification of community land is not achieved until a Council resolution is obtained and it is referred to the Department of Planning.

The usual process for consulting with Councillors will be through a Councillor Briefing (depending on the circumstances) once the preliminary assessment has been carried out. The report will provide details of the unsolicited request and the associated proposal, the assessment results and the preliminary recommendation of the Property Development Management Group. Should the need arise Councillors may be consulted earlier to assist the Property Development Management Group in making its preliminary recommendation. Councillors may indicate whether they would provide principal support for the outcomes of the preliminary assessment.

Councillors may request further information and/or a reassessment of an unsolicited request if required. Councillors may also nominate a forum at which they wish to be provided with the additional information or the reassessment (for example, it may be referred to a Councillor Briefing, , Policy Review Committee Meeting or an Ordinary Meeting).

7. Assessment Process

Council will manage unsolicited requests according to the following staged assessment process.

8.1 Stage 1 – Preliminary Enquiries and Concept Review

Proponents have the opportunity to make preliminary enquiries about Council owned land and to meet with Property Development staff, and Council's Economic and Planning staff to discuss their initial concepts. Actions within this stage would generally include the following:

- Proponents may make enquiries regarding specific parcels of land, and about Council's economic and planning objectives to assist in identifying Council owned land that may become the subject of an unsolicited request.
- Council's officers are able to provide the proponent with a range of information relating to the land's classification, special characteristics, zoning, possible uses, Council's

strategic objectives and other relevant information that may assist the proponent to develop their unsolicited request and associated proposal.

- Proponents may arrange to meet with Council's Property Development staff to discuss their preliminary concepts for the use of the land. Council's Property Development staff may include other Council officers in those discussions if considered necessary.
- Any preliminary discussions are considered to be informal discussions, however, Council's staff will keep records of those discussions.
- Council's staff cannot formulate unsolicited requests on behalf of proponents or assure proponents that their unsolicited request will be successful. Council's staff may however discuss preliminary concepts prior to the lodgement of a more complete formal proposal.
- The Head of Property Investment will keep the Property Development Management Group informed of enquiries and discussions regarding potential unsolicited requests.
- The Property Development Management Group may instruct the Head of Property Investment to carry out follow up actions in response to preliminary enquiries made by potential proponents.

8.2 Stage 2 – Submission and Preliminary Assessment

When a written submission is received, Council's Property Development staff will undertake a preliminary assessment based on the assessment criteria outlined in this policy.

Proponents should include in their submission, adequate information to allow Council to carry out an assessment of their unsolicited request and the associated proposal (i.e. the intended use of the land and the potential benefits). Proponents are encouraged to use the assessment criteria identified in this policy as a guide for preparing their submission.

Proponents should also include in their submissions any other relevant information that will support or strengthen their proposal.

When a written submission is received, Council's Property Development staff will:

- carry out an initial compliance check to ensure the submission includes the necessary information to allow it to be assessed
- provide the proponent with written confirmation that their submission has been received and request further information if required
- notify members of the Property Development Management Group and the Director Futures and Strategy that the submission has been received
- liaise with the relevant Council officers and undertake a preliminary assessment of the submission based on the assessment criteria, and
- prepare a preliminary assessment report for consideration by Council's Property Development Management Group.

The preliminary assessment report will include:

- a brief description of the nature of the unsolicited, including the category in which the unsolicited request fits within (see Section 5)
- a description of whether the subject land is classified as operational or community land
- a description of whether the proposed use may be permissible
- an analysis of the proposal against each of the assessment criteria (see Section 8)

- for unsolicited requests relating to community land, an evaluation of whether the outcomes of the associated proposal would provide a net positive effect for the Penrith LGA (see Section 8)
- a comment from Council's Director Futures and Strategy on how the associated proposal aligns with Council's economic and planning objectives, taking into account the assessment criteria and any other relevant factors. The Director Futures and Strategy may delegate this task to the relevant department head.
- a comment from the Head of Property Investment and/or the Chief Financial Officer on the financial impacts of the proposal and on Council's property investment portfolio
- a recommendation on whether the unsolicited request is suitable for progression and whether it may be appropriate for Council to negotiate directly with the proponent for the sale or lease of the land without going to the open market, and
- any other information that is considered necessary to allow the Property Development Management Group to make a preliminary recommendation on the unsolicited request.

8.3 Stage 3 – Consideration and Preliminary Recommendation by the Property Development Management Group

The Property Development Management Group will be guided by the preliminary assessment report in making a preliminary recommendation. There are 3 possible outcomes from stage 3:

1. the Property Development Management Group determines that the unsolicited request is not suitable for further consideration and recommends that Council decline the request
2. the Property Development Management Group recommends that Council agree to the suggestion to sell or lease the land as a result of the unsolicited request, but only on the condition that Council markets the land through a competitive process, or
3. the Property Development Management Group recommends that Council agree in principle to the unsolicited request based on the details of the associated proposal (i.e. recommends that the Council considers entering into direct negotiations with the proponent for the sale or lease of land of the land based).

If Council agrees to the proponent's suggestion to sell the subject land but only on the condition that a competitive process be used, the proponent's intended use for the land may still be viable if the proponent successfully purchases the land though that competitive process.

When advertising the land for sale on the open market, Council may specify an intended use for the land that is similar to or the same as that proposed by the proponent. If that is the case, Council will maintain confidentiality of the proponent's submission to protect the proponent's intellectual property rights.

To assist the Property Development Management Group in making a recommendation the following may occur:

- the Property Development Management Group may request further information and/or request the proponent to meet with the Group for further discussions
- the Property Development Management Group may allow the proponent to amend their submission to take into account additional information

- the Property Development Management Group may request a reassessment of the submission if it is of the view that there are errors or omissions in the preliminary assessment report, or to take into account any agreed changes made to the submission, and
- the Property Development Management Group will generally consult with and take into account the advice of the Property Development Advisory Panel before making a preliminary recommendation.

8.4 Stage 4 - Notification and Consultation with Councillors

Councillors will be notified of the unsolicited request and consulted on the Property Development Management Group's recommendation once the preliminary assessment has been completed. This will generally occur by report from the Head of Property Investment to a Councillor Briefing.

Should Councillors wish to receive more information on the associated proposal or require a reassessment then that may be requested.

Where Councillors indicate in principle support for the Property Development Management Group's preliminary recommendation to agree to an unsolicited request, or to sell or lease land through a competitive process, that outcome is not guaranteed until the necessary negotiations occur, and the Council provides the required resolution.

8.5 Stage 5 – Negotiation and Binding Agreement

After Councillors have indicated in principle support for an unsolicited request, Council's officers may enter into more advanced discussions with the proponent to work towards securing the outcomes of the associated proposal. Where Councillors indicate in principle support for selling or leasing land through a competitive process then normal practices will apply.

Terms and conditions relating to the sale or lease and use of land will be discussed between Council and the relevant parties on a case-by-case basis. The sale or lease of land may be subject to appropriate restrictions imposed under the transfer terms. This may include a range of options such as a buy-back deed to ensure development occurs in a timely manner and is consistent with the associated proposal.

Proposed developments on land will be subject to the usual development application and approval processes as would any other proposed development, and development approval cannot be guaranteed during these negotiations.

8.6 Stage 6 – Final Approval and Resolution of the Council

Preparation for transacting the sale or lease can occur prior to the making of a Council resolution however the sale transaction cannot be finalised until a resolution of the Council is made.

Final approval for the sale of land does not guarantee development approval. Should the Council resolve not to sell or lease the land, or not to reclassify land if required then Council may rely on the negotiated terms and conditions to withdraw from the sale or lease. The

same may apply if the proponent is unsuccessful in obtaining the required development approval.

9. Assessment Criteria

The assessment criteria aim to ensure that:

- clear desirable benefits are identified that directly address a clearly defined objective or community need
- the proposal reflects the current strategic and policy direction of the Council
- the proposal reflects the values and is likely to have the support of the wider community
- the proposed way forward is achievable given the resources required, potential risks and the capacity of key stakeholders.

A range of supporting evidence would be expected as part of a proposal document, the extent of which will depend on the size and complexity of the proposed development.

The following assessment criteria will be used to assess unsolicited requests. The areas of responsibility for Council officers is also identified. Where the criteria involve assessment from more than one area of Council and that assessment produces differing outcomes or priorities, then the Head of Property Investment will report on those alternatives.

Part A: Assessment of unsolicited request and associated proposal

Assessment Criteria	Examples of Considerations that may be applied
1. Unsolicited Proposal Category (Property Investment)	• Does the unsolicited request fall within one of the categories of unsolicited requests that Council will consider?
2. Land Classification (Property Investment)	• What is the current classification of the land? • Would a reclassification be required? • Is a reclassification likely to be achieved? • Would a rezoning be required?
3. Land Zoning (Property Investment, City Planning, City Strategy, and Economy and Marketing)	• Zones and land uses determine the character of an area – what is the current zoning and what are the permitted uses?

4. Demonstrated Benefits (Property Investment, CFO, City Planning, City Strategy, and Economy and Marketing)	• What are the benefits of the associated proposal for:
	  ○ the immediate locality (e.g. physicality, environmental)
	  ○ the local community (e.g. social, cultural, health and safety), and
	  ○ the Penrith LGA
	• Will the associated proposal deliver improved infrastructure and/or services to the community?
	• Is there a demand for outcomes of the associated proposal?
	• Are there any other demonstrable benefits?

5. Negative Impacts (Property Investment, CFO, City Planning, City Strategy, and Economy and Marketing)	• What are the potential negative impacts of the associated proposal for:
	  ○ the immediate locality (e.g. physicality, environmental)
	  ○ the local community (e.g. social, cultural, safety, safety)
	  ○ the Penrith LGA as a whole
	• Are there any other potential negative impacts?

6. Council's Strategic Objectives (Property Investment, CFO, City Planning, City Strategy, and Economy and Marketing)	• Does the proposed use of the land align with Council's objectives? • Has Council already identified other potential uses for the land or surrounding area and how would the associated proposal effect these? • Are there any other short term or long-terms objectives that Council needs to consider? • How does the proposal align with Council's vision for city development and identified planning outcomes (e.g. public facilities, key services, short and long-term accommodation, commercial facilities, industrial facilities, open space – may need to consider planning documents such as the Community Strategic Plan, Penrith Progression Plan etc.)?
7. Short-term Financial Impacts (Property Investment and CFO)	• What would be the effect on Council's immediate income (current financial year)? • Would Council achieve immediate savings? • Will the associated proposal provide Council with other investment opportunities? • Is Council likely to incur additional expenses? • Would accepting the unsolicited request allow Council to reallocate funds to other essential areas of the budget? • Are there any other short term budget impacts?
8. Longer-term Financial and Economic Impacts? (Property Investment, CFO, City Planning, City Strategy, and Economy and Marketing)	• Would agreeing to the unsolicited request result in a long-term loss of income (future financial years)? • Will Council incur longer terms expenses as a result of the associated proposal (e.g. increased maintenance or infrastructure costs, increased maintenance costs on adjoining public land)? • Will the unsolicited request or the associated proposal produce future savings for Council (e.g. reduced maintenance costs, reduced management costs)? • What are the longer term budget impacts? • Will the associated proposal provide longer term economic benefits to community? • Will the associated proposal generate local jobs (short term and long-term)?

9. Return on Investment (Property Investment and CFO)	• Is Council's proposed return on investment suitably proportionate to Council's outlay? • Is the proposed return on investment comparable to relevant industry standards? • Is it the appropriate time to seek a return on investment? • Are there any longer-term investment considerations?
10. Impact on Council's Property Portfolio (Property Investment and CFO)	• How will selling the land impact on Council's property portfolio and property development objectives? • How should Council manage its return on investment? • Should Council seek to replace its investment in land holdings? • Are there suitable opportunities for Council to replace its investment in other strategic acquisitions?
11. Value for Money (Property Development, CFO, City Planning, City Strategy, and Economy and Marketing)	• Does selling the land present value for money for Council? • Does selling the land present value for money for the community? • What should Council do to ensure value for money is achieved (i.e. obtain separate valuations, benchmarking)?
12. Public Interest Considerations (Property Investment, City Planning, City Strategy, and Economy and Marketing)	• Are there any public interest considerations (e.g. public use of land, public access to land, public expectations for use of the land, health and safety) • Can Council and/or the proponent resolve any negative public interest considerations, and if yes, how? • What are the potential impacts of the public interest considerations that can't be resolved?
13. Capacity and Capability (Property Investment, CFO, City Planning, City Strategy, and Economy and Marketing)	• What experience does the proponent have in delivering projects that are similar to the associated proposal? • Does the proponent demonstrate the capacity to satisfactorily deliver the associated proposal? • Does the proponent have the required financial capacity? • What reliance is there on third parties and what effect could this have? • Are there any other concerns?
14. Environmental Considerations? (City Planning, City Strategy, and Economy and Marketing, Development Services, Environmental Health & Compliance)	• Does the land possess any significant natural or environmental features that have not already been addressed in this assessment? • What are the local and wider environmental impacts?

15. Risk Assessment and Allocation (Property Investment, CFO, City Planning, City Strategy, and Economy and Marketing)	• Identify risks for Council and the community • Can these risks be quantified and valued? • What risk mitigation options are available? • What risks are to be borne by the proponent and what risks are to be borne by Council? • Are the risks to Council and the community acceptable?

Additional Criteria for Proposals on Community Land:
 	
16. Net Positive Benefit to the Community: Financial, Economic, Social, and Environmental
(Property Investment, CFO, City Planning, City Strategy, and Economy and Marketing)
	This process involves a cumulative assessment of the relative costs and benefits to the community of reclassifying community based on the following categories:
	
	• **Financial impacts** – e.g. overall assessment of financial impacts identified above and any additional considerations
	• **Economic impacts** – e.g. overall assessment of economic impacts identified above and any additional considerations
	• **Social impacts –** overall assessment of social impacts identified above and any additional considerations others such as:
	  ○ are there any reasons why the land requires special protections for the community?
	  ○ is the land culturally significant?
	  ○ what are the likely social impacts of the land no longer being classified as community land?
	  ○ will the proposal effect public sporting or recreational activities?
	  ○ are there any public health or safety issues?
	  ○ does the community have a special legal interest in the land?
	• **Environmental impacts** – e.g. is the land of high environmental significance, are there any environmental protection issues to be considered?
	• **Net assessment** - does the proposal provide a net positive benefit to the community overall?

Part A Preliminary Assessment Report Recommendation (Property Investment, CFO, City Planning, City Strategy, and Economy and Marketing)	• Taking into account the above considerations, should Council consider selling or leasing the land for the proposed use and outcomes? • If required, should Council consider reclassifying the land?

Part B: Establishing whether Council should enter into Direct Negotiations for the Sale of Land or whether to use Open Market Processes

Demonstrated Uniqueness of the Associated Proposal (Property investment, CFO, City Planning, City Strategy, and Economy and Marketing)	Council's default position is to sell land through the open market. Are there justifiable reasons for Council to enter into direct negotiations with the proponent for the sale of the land without going to the open market? • Does the associated proposal demonstrate unique attributes? • Does the proponent demonstrate unique attributes? • Does the proponent own something that would limit Council from achieving the same beneficial results from an alternative purchaser? • Are there other unique attributes about the locality or physicality of the proposal? • Could outcomes of the associated proposal be delivered by competitors? • Could a competitor present an alternative proposal that would achieve the same or greater benefits for the locality, Council's strategic objectives and the community? • Is it likely that Council and the community would obtain better outcomes by selling the land through the open market? • Is it likely that Council would obtain better value for money by selling the land through the open market? • What justification would Council have for not seeking best value through the open market?
Part B Preliminary Assessment Report Recommendation (Property Investment, CFO, City Planning, City Strategy, and Economy and Marketing)	• Are there justifiable reasons for Council to support the associated proposal including the suggestion to sell or lease the land through direct negotiations? • If no, should Council still consider selling or leasing the land through a competitive process?

10. Probity

Council seeks to conduct all dealings with integrity and transparency. The assessment of unsolicited requests and their associated proposals must be fair, transparent and demonstrate the highest levels of probity that are consistent with the public interest.

All Council officials and representatives involved in the assessment and determination of unsolicited requests must abide by the following probity principles:

- Impartiality
- Accountability
- Confidentiality
- Value for money, and

- Management of Conflicts of Interest

All Council officials and representatives must adhere to Council's adopted Code of Conduct which includes provisions for managing conflicts of interest. Council officials and representatives must identify, declare and manage any conflicts of interest that might exist or be perceived to exist when dealing with unsolicited requests.

11. Governance Arrangements

Governance arrangements for dealing with unsolicited requests include:

- oversight by Council's Property Development Management Group
- independent advice from Council's Property Development Advisory Panel
- the legislative requirements of the *Local Government Act 1993* (NSW) for classification of land and powers relating to the sale of land, and
- Council's adopted Code of Conduct.

Council may also implement additional governance arrangements, such as probity plans, on a case-by-case basis.

Any member of the public or an organisation can report governance concerns relating to unsolicited requests to Council's Head of Governance.

12. Policy Contact

For information regarding this policy please contact the Governance Department on 4732 7777.

13. Document Control

Policy History	Approving Authority	Date
Version 1 – Adopted by Council	Council	27 June 2016
Review Policy. Minor amendments (changes to position titles in line with organisational restructure) made to the policy	Head of Governance	10 March 2025