Property Policy

Policy Statement

Council is committed to managing Moonee Valley City Council's property portfolio to support Council's long-term vision and strategic plans.

The portfolio encompasses a diverse range of assets that deliver community services, including but not limited to sport and leisure, community centres and hubs, council operations, commercial and residential premises, and public open space.

Council manages, acquires and disposes of property in accordance with relevant legislation and this policy must be read in conjunction with that legislation, other relevant Council and State Government policies (such as Crown land policies) and is supported by operational guidelines and procedures.

Purpose

This Policy supports evidence-based decision making in the purchasing, managing agreements and disposing of property in strengthening community wellbeing and liveability for the Moonee Valley community. In performing its functions and achieving its strategic objectives, Council enters into agreements over council owned or managed properties and may need to acquire or dispose of property assets, including property acquired by negotiation, and or compulsory acquisition.

The purpose of the policy is to maximise community benefit in managing property related transactions. By providing guidance for transactions relating to each property owned or managed by Council, and property to be acquired by Council, the policy will ensure that decisions align with Council's strategic priorities.

Scope

This policy covers property transactions relating to:

- agreements with community and commercial occupants relating to Council Land or Crown Land, where Council is the landowner or land manager.
- property acquisition undertaken by Council,
- disposal of any property (in part or full), including road discontinuance.

This policy does not cover:

- leases and licences for private or public property where Council is the occupant. These agreements are entered into in line with relevant delegations and must align with the principles of this Policy where applicable.
- occupancies covered under another hire or usage policy or agreement including but not limited to the Seasonal Sport Allocation Policy and the Community Facilities Management Policy.

Policy Principles

The following key principles are to be applied when considering Council's property transactions:

Need and Benefit	Place based and evidence-based decision making will ensure: • alignment to Council strategic priorities, plans and policies • disposals of, or acquisitions of property, or agreements are justified in the context of maximising community benefit • consideration of impacts to communities of focus
Compliance	All property transactions: • are to be undertaken in accordance with Council's statutory obligations, Council policies, and operational guidelines and transaction processes developed by Council. • Must ensure commitment to transparency and community engagement at key decision points, guided by Council's Public Transparency Policy, Community Engagement Policy, relevant legislation, and any other relevant guidelines and policies.
Risk Management	• Risk Assessments are to be carried out, and due diligence is to be undertaken to mitigate risk to Council and inform sound decision making. • Decisions will: ○ consider Council's strategic and operational risks. ○ be supported by appropriate legal documentation. ○ be approved in accordance with relevant delegations.
Financial Sustainability	Property transactions will be financially responsible and decisions should consider: • the commercial, social and environmental return on and best value achieved through Council's investment. • equity through a commitment to support community use agreements that maximise community benefits.
Environment and Sustainability	Property transactions will: • consider the environmental impacts of the use and lifecycle of the property • support sustainability and circular economy principles wherever feasible

Application of the policy to property transactions

Agreements

Council has various types of properties under agreements, including commercial facilities, community facilities, residential properties and telecommunications and infrastructure/sites, managed through leases, licences and other management agreements.

Council ensures optimal community benefit by encouraging multi-purpose facilities and tailoring the services provided by occupants to best suit community needs and requirements. Council will work with occupants to ensure the highest potential use of the asset can be achieved.

Agreements (new and renewals) will be approved in line with relevant delegations and the requirements of the Act.

Proposals for agreements

Proposals for agreements must consider:

- current use including open space, drainage, pedestrian and/or vehicular access
- proposed future use of the site
- costs to Council for proposed use of the site
- Council assets located in/on the land
- level of support for the proposal from relevant Council departments
- alignment to relevant Council plans and objectives

The details of the proposal will inform the suitability for an agreement, the term, rental amount and any relevant conditions that may be imposed in the agreement.

Council uses a variety of methods to determine and assess suitable proponents for an agreement with Council such as public procurement processes or private treaty processes.

Occupancy Criteria

Occupants must meet specific criteria to be considered eligible for an agreement.

Occupancy type	Criteria
Commercial (including Telecommunications agreements)	• Hold a current ABN / ACN • Satisfactory capacity and experience / references • Satisfactory financial viability (determined through a credit check, financial statements or business plan to the satisfaction of Council officers) • Benefit to Council and Community and alignment to Council plans and objectives.
Community	• Satisfactory not for profit status

Occupancy type	Criteria
	• Satisfactory financial viability (determined through financial statements or business plan to the satisfaction of Council officers) • Benefit to Council and Community and alignment to Council plans and objectives. • Satisfactory compliance and governance structure
Residential	• Satisfactory financial capacity • 100 point identification check • Satisfactory rental history / references • Other requirements met in accordance with the Residential Tenancies Act 1997

Agreement Performance Management

To ensure occupants operate in accordance with the terms and conditions of the agreements, reporting requirements, including timelines for reporting, will be agreed at the commencement of the occupancy and documented in the agreement with Council.

The reporting is in addition to the specific conditions and obligations of the agreement with Council.

Agreement Fees

Fees for agreements must be relevant to the type of occupancy, with rental calculations determined based on the following considerations:

Occupancy type	Fee considerations
Commercial and Residential	• Market rental • Annual increases

Community	• Facilities will be categorised to ensure:
	  ○ Like facilities in different parts of the municipality should attract the same base rental.
	  ○ Where occupants engage in similar activities, a group who occupies a larger area of land should attract higher base rental.
	  ○ Where occupants engage in similar activities, a group that uses a higher standard or category of facility may attract higher base rental.
	• Subsidised fees may be applicable which may be determined having regard to the following:
	  ○ grants, funding and other subsidies
	  ○ revenue potential

Occupancy type	Fee considerations
	○ maintenance capabilities and responsibilities ○ other factors deemed appropriate. • Where Council has adopted specific fees and charges for leases and licences, the adopted fees will apply. • Fees reviewed in line with agreements annually.

Acquisitions

To achieve its strategic goals and objectives and carry out its functions, Council may need to acquire property. This includes freehold land acquired by negotiation or by compulsory acquisition.

Compulsory acquisition (where there is an identified need) is carried out in accordance with legislative requirements. In such instances, a Public Acquisition Overlay (PAO) may be applied via a Planning Scheme Amendment.

When considering a property acquisition proposal, Council must:

- determine alignment with Councils plans priorities
- ensure thorough due diligence is undertaken
- ensure compliance with any statutory requirements

Disposals

Council owns property which over time may become underutilised or surplus to Council requirements.

When considering the disposal of any Council land, Council must:

- determine alignment with Councils plans priorities
- ensure thorough due diligence is undertaken
- ensure consideration for and compliance with any statutory requirements

A property valuation undertaken in accordance with legislative requirements will inform the value for which a property can be sold.

Road Discontinuances

Council receives applications from property owners seeking to have roads discontinued, with the view to purchasing the land.

Council may also initiate the road discontinuance process where land is no longer required.

Before it decides to approve a road discontinuance proposal Council must be satisfied that:

- the road is not reasonably required for public use, and
- the land is not of any strategic value to council, either now or in the future.

When considering the disposal of property for road discontinuances Council's administrative and legal costs should be levied on prospective purchasers. Cost agreements will be negotiated with prospective purchasers.

Each purchaser will be responsible for individual land transfer costs and any other associated costs including, but not limited to consolidation of titles, section 173 agreements, covenants, creation and removal of easements applicable to the land.

Responsibilities

The following Council personnel, departments and business units have direct and/or supporting responsibilities associated with this policy:

Role	Responsibilities
Councillors	• Make decisions relevant to the property function in line with the requirements of the relevant Acts.
Director, Strategy Planning and Climate Resilience	• Provide organisational resources to ensure ongoing compliance with relevant legislation.

Manager, Sport, Recreation and Property	• Take all necessary steps to ensure Council's full compliance with this policy, including undertaking or delegating the tasks of:
	  ○ establishing and maintaining supporting internal systems, procedures and processes
	  ○ monitoring and addressing non-compliance

Property Team	• Coordinate the implementation, maintenance and review of this Policy. • Develop and maintain supporting documents relevant to the Policy including guidelines, checklists and processes. • Exercise its delegated authority in accordance with this policy, relevant delegations and relevant Acts. • Determination of appropriate level of community engagement as per Councils Community Engagement Policy.
All relevant staff	• Understand and comply with their responsibilities in delivery of property related transactions

Definitions

Term	Definition
Agreement	A lease, licence or other management agreement that defines the terms and responsibilities of an occupancy of a Council owned property.
The Act/s	The *Local Government Act 1989* or the *Local Government Act 2020.*
Compulsory acquisition	Land acquired pursuant to Division 4 of the *Land Acquisition and Compensation Act* 1986 (LACA).
Commercial	Commercial activity is any activity undertaken on a commercial basis or of a commercial nature but does not include the use of premises for fundraising activities (including canteen sales) by local community organisations.
Communities of Focus	Seven groups have been identified in the Council Plan 2025-2029 as having a higher likelihood of facing barriers that may impact their health, wellbeing and social outcomes. Called our 'communities of focus', Council will work to support equitable outcomes for people in these groups.
Council Land	Freehold title land, land with road or reservation status, public open space, land vested in Council, land under the operation of the *Transfer of Land Act* 1958 or General Law land.
Delegate / Delegated officer	The person or entity authorised by a higher authority to act on their behalf in performing special functions, transactions or duties in line with Councils Instruments of Delegations and sub delegations.
Lease	A legally binding contract granting exclusive occupancy rights for a specified term in exchange for consideration.
Licence	A legally binding contract granting non-exclusive occupancy rights for a specified term in exchange for consideration.
Place based decision making	Where characteristics, circumstances and local needs inform outcomes affecting a particular location.
Property	A physical asset owned, managed, or leased by Council, including land, buildings and facilities. This includes all sites used for Council operations, service delivery, community activities, or commercial purposes.
Public Acquisition Overlay	A Public Acquisition Overlay (PAO) is a planning control utilised by a Minister, public authority or municipal council to

Term	Definition
	identify land which is proposed to be acquired for a public purpose.
Road discontinuance	Formal removal of road status to facilitate change of use.
Statutory obligation	Legal duties that must be fulfilled by Council.

Related legislation and reference sources

- *Local Government Act (2020)*
- *Local Government Act (1989)*
- *Crown Land (Reserves) Act (1978)*
- Leasing Policy for Victorian Crown Land
- Planning and Environment Act (1987)
- Local Government Best Practice Guideline for the Sale, Exchange and Transfer of Land' dated June 2009
- Transfer of Land Act 1958
- Valuation of Land Act 1960
- Land Acquisition and Compensation Act 1986
- Retail Leases Act 2003
- Liquor Control Reform Act 1998
- Occupational, Health and Safety Act 2004
- Food Act 1984
- Gambling Regulations Act 2003
- Environment Protection Act 1970
- Privacy and Data Protection Act 2014
- Property Law Act 1958
- Subdivisions Act 1988
- Telecommunications Act 1997
- Telecommunications Code of Practice 2021
- A Code of Practice for Telecommunications Facilities in Victoria
- Telecommunications (Low-impact Facilities) Determination 2018
- Moonee Valley Planning Scheme and any relevant planning exemptions (e.g., VC226 amendment).

Related Council documents

- Public Transparency Policy
- Child Safety and Wellbeing Policy
- Community Engagement Policy
- Seasonal Sport Allocation Policy
- Community Facilities Management Policy
- Financial Management Policy
- Asset Management Policy
- Council Plan
- MV2040
- Moonee Valley Open Space Strategy
- Housing Strategy

Document Type	Council Policy	**Classification**	External	**Status**	Final
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Major Changes	New Document				

Document control disclaimer
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Acknowledgement of Country
Moonee Valley City Council respectfully acknowledges the Traditional Owners of this land on which Moonee Valley is located - the Wurundjeri Woi-wurrung people of the Kulin Nation; we pay respects to their Spirits, Ancestors, Elders and their community members past

Moonee Valley Language Line

العربية	Arabic	9932 1471	Italiano	Italian	9932 1475	Türkçe	Turkish	9932 1478
廣東話	Cantonese	9932 1472	普通话	Mandarin	9932 1481	Tiếng Việt	Vietnamese	9932 1479
Hrvatski	Croatian	9932 1473	Somali	Somali	9932 1476	All other languages		9932 1480
Ελληνικά	Greek	9932 1474	Español	Spanish	9932 1477			

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