

Title	Commercial Leasing & Other Dispositions of City Of Cockburn Owned or Controlled Property
-------	---



Policy Type

Council

Policy Purpose

The aim of the policy is to set the framework for the disposal of and the determination of the rental or consideration when disposing of Property to commercial businesses.

City of Cockburn owned or controlled land and facilities (Property) may be leased, licenced or disposed of to commercial businesses in terms of applicable requirements, such as:

- *Local Government Act 1995 (WA) (the Act);*
- *Land Administration Act 1997 (WA);*
- *Commercial Tenancy (Retail Shops) Agreements Act 1985;*
- *Property Law Act 1969;*
- *Local Government (Uniform Local Provisions) Regulations 1996; and*
- *Delegated Authority 'Acquisition and Disposal of Property (Land)'*

Policy Statement

- (1) The City's commercial portfolio is defined as:
 - 1.1 City owned freehold property, excluding property used for City operations.
 - 1.2 Land under Management Order where the City has the right to lease for a commercial purpose.
- (2) Leases, licences and other disposals of property to commercial businesses shall:
 - 2.1 Comply with Section 3.58, and where applicable Section 3.59 of the Act;
 - 2.2 Be under authority of Council resolution;
 - 2.3 Consider the legal financial and reputational interests of the City';
 - 2.4 Have the market value determined in accordance with Section 3.58 of the Act.

If the value of the transaction does not exceed \$750,000 then the transaction is to be dealt with in accordance with Delegated Authority 'Acquisition and Disposal of Property (Land)'.
- (3) Properties available for lease will be advertised in an open and transparent manner for Expression of Interest (EOI). The City is under no obligation to accept any EOI received. Any party/organisation registered with the City will be provided with an opportunity to make submission, however, the availability of the property will also be publicly advertised.
- (4) Within the last 12 months of an existing lease, a property will be publicly advertised for EOI submissions, with the following exemptions:

Title	Commercial Leasing & Other Dispositions of City Of Cockburn Owned or Controlled Property
--------------	---



- 4.1 The agreement is for six months or less;
- 4.2 A property is only suitable or logistically accessible to the current lease holder;
- 4.3 The lessee is providing:
 - 4.3.1 An economic outcome to the surrounding area and/or tenancy mix.
 - 4.3.2 Paying on or above full market rent.
 - 4.3.3 Has no rent arrears or past lease defaults.

(5) Existing Lessee can reapply to an advertised EOI.

Strategic Link:	Land Management Strategy
Category	Planning – Land Administration
Lead Business Unit:	Property and Assets
Public Consultation: (Yes or No)	No
Adoption Date: (Governance Purpose Only)	13 July 2023
Next Review Due: (Governance Purpose Only)	July 2025
ECM Doc Set ID: (Governance Purpose Only)	4603461