



## HOPE VALE ABORIGINAL SHIRE COUNCIL

### MEETING REPORT

ITEM NO: GENERAL MEETING:

SUBJECT: SALE OF LAND. TO SEEK A COUNCIL RESOLUTION ABOUT THE SALE OF LOTS FORMING PART OF THE HOPE VALLEY ESTATE (MILLER'S BLOCKS).

CLASSIFICATION: ACTION

#### RECOMMENDATION

##### **COUNCIL (AS TRUSTEE) RESOLVES:**

1. to dispose of selected lots in the Hope Valley Estate by selling them to interested purchasers;
2. that Stage 1 of the disposal of lots in the Hope Valley Estate will be the sale by tender of Lots [Insert] (the Stage 1 Lots);
3. to delegate to the Chief Executive Officer the power to:
  - (a) prepare draft contracts of sale for the Stage 1 Lots;
  - (b) carry out a procurement process for the disposal of the Stage 1 Lots;
  - (c) obtain any necessary approvals to carry out the procurement process and complete the disposal of the Stage 1 Lots, including Ministerial approval under section 236(1)(f) of the *Local Government Regulation 2012* if required based on the procurement process selected;
  - (d) negotiate, finalise and execute on behalf of Council, contracts of sale and other necessary documents with selected purchasers to complete the disposal of the Stage 1 Lots.

#### BUDGET & RESOURCE CONSIDERATIONS

No funding is required at this stage.

## **BACKGROUND / DISCUSSION**

Council holds a number of “*Land Title Act*” freehold lots, which are contained in an area known as “Hope Valley Estate” or “Miller’s Blocks”.

The consequence of holding “*Land Title Act*” freehold is that, unlike Deed of Grant in Trust (**DOGIT**) or Aboriginal freehold, Council is able to sell the land on the open market to anyone.

The only constraint on Council when selling the land is that Council needs to comply with the default contracting procedures under the *Local Government Regulation 2012 (LG Reg)*, which say that Council can only sell land by tender or auction as part of an open market process unless an exception applies (which can include a Ministerial approval to sell the land other than by tender or auction).

### **Proposed Sale of Land**

Council has considered the various options available to it to sell the land, and has decided that the best option is to sell the land under a Contract of Sale that has special conditions requiring:

- particular development milestones to be met by certain dates;
- restrictions on the on-selling of land.

Council has considered selling the land for \$100,000 per lot, or a reduced price of \$20,000 for eligible community members.

### **Other issues to consider**

There are some other issues for Council to consider in developing its proposal to sell these lots.

#### Length of restrictions

If Council wishes to impose development milestones and restrict the on-selling of land, then these restrictions will need to be subject to specific time limits.

Council should consider how long it wishes to impose these restrictions – for example, 2 years, and after that time, an owner can sell the land however they wish.

Council should also consider what it wants the restrictions to be. For example:

- Does Council wish to enforce buyers to construct a dwelling on the land? This might cause issues in terms of practical enforcement.
- An alternative to forcing buyers to construct a dwelling might be to require buyers to sell the land back to Council at a particular rate. However, this might present issues where there is partially constructed infrastructure on the land, and expose Council to potentially significant liabilities to take these parcels of land back.

#### Eligibility

Council wishes to develop eligibility criteria for the disposal of the land (or for access to the reduced purchase price).

The eligibility criteria will need to be carefully developed. If the proposal is to determine eligibility criteria that discriminates on the basis of race (eg, a person is eligible only if they are an indigenous person with a

connection to Hope Vale), then an approval might be required from the Queensland Civil and Administrative Tribunal (**QCAT**) under the *Anti-Discrimination Act 1991*.

Council will need to provide some guidance about proposed eligibility criteria.

#### Procurement process

Council is required to sell the land by tender or auction as part of an open market procurement process and in accordance with the default contracting procedures in the LG Reg – this means selling the land by an open market tender or at an auction.

If Council wishes to depart from that process, then a Ministerial approval may be needed.

Council can call for tenders subject to defined evaluation criteria. The evaluation criteria can include a heavily weighted criterion for local purchasers. This would not require Ministerial approval, because it is still consistent with the tendering requirement in the default contracting procedures.

However, if Council wished to consider a closed market process such as a ballot for eligible community members, this will require Ministerial approval.

#### Selling the land in stages

A further query is whether Council wants to market the sale of a specific number of lots as a first stage.

Attached to this Report are Queensland Globe extracts showing the Hope Valley Estate. Council may wish to sell a specific number of parcels as “Stage 1” of the disposal and see how the process unfolds before considering the disposal of further lots.

It is suggested that Council considers staging the sale process by selecting a limited number of unimproved blocks – for example, 5 – 10 blocks – and market the sale of those lots as part of Stage 1. Council can then determine the level of interest and, after a period of time has passed, Council can market subsequent stages for sale.

To determine which lots Council wishes to sell:

- Council may wish to focus only on the unimproved blocks.
- All of the unimproved blocks except two are owned by Council – Lot 13 on SP242970 on Binthin Street, and Lot 25 on SP322515 on Bayanbi Street, both of which are owned by the State of Queensland. Lots 13 and 25 cannot form part of the proposed sale.

#### **Summary**

The recommended resolution allows the Chief Executive Officer to progress this proposal by engaging Council’s solicitor to prepare contract documents and, if necessary, engage with the Department of Local Government for Ministerial approval to exemptions to the procurement requirements.

However, Council will need to provide some guidance about:

- what restrictions it wishes to place on the on-sale of land that is sold, including what development milestones it wishes to impose, and for how long the restrictions should be effective;
- what eligibility criteria Council wishes to apply to incoming buyers, including to access any reduced purchase price;

- how Council wishes to sell the land – for example, as part of an open market tender process and in stages (and if in stages, Council should identify which parcels are to be marketed for sale first).

### **LINK TO CORPORATE PLAN**

Section - 1.2 Safe, Culturally appropriate housing.

### **CONSULTATION (Internal/External)**

N/a

### **LEGAL CONSIDERATIONS**

Subject to various legislation and Town Planning requirements

### **POLICY IMPLICATIONS**

N/a

### **RISK ASSESSMENT**

Low

### **ATTACHMENTS:**

See Below.

## Hope Vale Estate - Part 1 of 2



### Report Prepared by:

**Lew Rojahn**  
**CEO**

Date: 14/11/25

### Report Authorised by:

**Lew Rojahn**  
**CHIEF EXECUTIVE OFFICER**

Hope Vale Estate Part 2 of 2

15°17'33"S 45°5'4"E

15:33 24.5.2015

