

35. ACQUISITION/RESUMPTION OF LAND BY COUNCIL FOR ROAD OR OTHER PURPOSE GENERAL POLICY

Intent

To establish overarching principles for acquiring and/or resuming land by Council for local government purposes.

Scope

This policy will allow for the efficient management of the process of acquiring and or resuming land either by voluntary or compulsory acquisition.

Provisions

Council will only acquire land pursuant to the Acquisition of Land Act 1967 when there is a genuine community purpose to be fulfilled and for which a local government may lawfully undertake. Acquisition of land cannot proceed unless Council has formally resolved the need for the land complies with functions that Council legitimately perform.

As soon as feasible, Council will advise the owner of the intent to acquire the land and to compensate the owner for the acquisition. This acquisition can be achieved through either voluntary or compulsory acquisition.

Regardless of the acquisition method, Council will obtain market valuation advice from a suitable industry professional to ensure fair and reasonable compensation is provided to the land owner.

All actions undertaken in the land acquisition process will conform to the requirements of the Acquisition of Land Act 1967 and any other statutory requirements to which Council is bound.

For the purposes of this policy:

- Voluntary acquisition is when land is acquired by negotiation between parties and compensation amount is mutually agreed upon.
- Compulsory acquisition occurs when Council and the landowner are unable to come to a mutually agreeable compensation amount and Council has resolved to progress the land acquisition as per legislative requirements.

Legislation

Acquisition of Land Act 1967

Policy Review

This policy is to be reviewed whenever legislation changes, or every 4 years if no changes have been required to be enacted, at the direction of the Chief Executive Officer.

Policy Details

Policy Name	Acquisition/Resumption of Land by Council for Road or Other Purpose General Policy
Policy Number	35
Policy Version	5
Document Number	403248
Endorsed by	Chief Executive Officer
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Policy Department	People and Community Services
Link to Corporate Plan	Robust Governance and Efficient Service Delivery
Revoked/Superseded	

This policy is to remain in force until otherwise determined by Council.