

## Acquisition of Land by Shoalhaven City Council

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### 1. PURPOSE

The purpose of this policy is to provide sound, transparent criteria and procedures designed to minimise Council's exposure to risk and give due consideration to the community's best interests at all times when acquiring land.

### 2. STATEMENT

The acquisition of land enables Council to meet its future planning directives, while optimizing its property portfolio.

### 3. PROVISIONS

To provide an efficient, transparent and reliable method for Council to acquire land:

- To ensure that the strategic purpose of the acquisition of the land is beneficial to Council and the community;
- To minimise risk exposure to Council in acquiring land;
- To ensure the most appropriate method of acquisition is identified;
- To ensure land acquisition is undertaken following thorough and correct procedures and in accordance with any relevant plans or legislation;
- To ensure land is acquired cost effectively and giving due consideration to the community's best interest;
- To ensure all interested parties are given the opportunity to offer comment on the proposed acquisition, while maintaining commercial confidentiality; and
- As an optimum outcome for Council and community.

#### **4. LAND TO WHICH THIS POLICY APPLIES**

This policy applies to all land within the Shoalhaven Local Government Area (LGA).

The term 'Land' for the purposes of this policy may include land and improvements or other real estate.

#### **5. IMPLEMENTATION**

Assets & Works, Business & Property Section will administer this Policy.

##### **5.1. Determining Land to be Acquired**

To be done by considering land's strategic value in relation to Council's plans, strategic plans, LEPs and Sec 94 plans and ensuring consistency with Council's economic, social and environmental objectives.

To be undertaken giving due consideration to what is in the best interest of Council and the community generally.

##### **5.2. Assessment Criteria**

- Cost/benefit to Council in terms of Net Present Value (NPV) and Return on Investment (ROI);
- The land identified on a Council plan for acquisition, (critical need to Council in terms of timing of acquisition);
- The strategic value of land to Council;
- The market value of the land;
- The method determined to acquire the land – may be predetermined;
- The cost of acquiring the land;
- The future use of the land; and
- Available source of funds.

##### **5.3. Acquisition Procedures**

- To be conducted in accordance with Council adopted procedures and processes.
- To be conducted using the services of Council approved service providers when appropriate such as:
  - Property valuer or specialist property consultants;
  - Council solicitor or specialist property solicitor; and
  - Other providers such as planners, engineers, environmental experts etc. as may be appropriate.

##### **5.4. Instructing Service Providers**

To be undertaken having regard to appropriate cost, experience, timeliness, etc.

## **5.5. Variations**

A notation on a DCP or other document, other than an LEP or S94 Contributions Plan which identifies Council as the acquiring authority, does not obligate Council to acquire the property.

## **6. RELATED PLANS & LEGISLATION**

The Local Government Act (1993)

Conveyancing Act (1919)

The Roads Act (1993)

Land Acquisition (Just Terms Compensation) Act (1991)

Crown Lands Management Act (2016)

Native Title Act (1993)

Aboriginal Land Rights Act (1983)

Environmental Planning and Assessment Act (1979)

Local Environmental Plans and other relevant plans

## **7. REVIEW**

This policy statement will be reviewed within one year of the election of every new Council.

## **8. APPLICATION OF ESD PRINCIPLES**

To ensure consistency with Council's economic, social and environmental objectives and that due consideration be given in relation to the community's best interest.