

Acquisition of Land by Shoalhaven City Council

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Directorate:	City Services
Record Number:	POL22/120

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 optimising its property portfolio.

3. Provisions

To provide an efficient, transparent, and reliable method for Council to acquire land the following provisions shall be considered:

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

City Services 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 local and regional infrastructure contributions 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. Acquisition Procedures

- To be conducted in accordance with Council's Due Diligence for Land Transactions Procedure.
- 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.

5.3. Instructing Service Providers

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

5.4. Council Obligations

A notation on a Development Control Plan (DCP) or other document, other than a Local Environmental Plan (LEP) or 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.