

COUNCIL POLICY: RESUMPTION OF LAND

Date Adopted:	<i>23 September 2014</i>
Committee Reference:	<i>Corporate and Community Services 16 September 2014; (Item Number 4.3)</i>
Contact officer:	<i>Manager Property and Operations</i>
Next review date:	<i>30 September 2016</i>
File Reference:	<i>05/02/001; 04/15/004</i>
Related Policies/Local Laws/Legislation:	<i>Local Government Act 2009 Acquisition of Land Act 1967 Land Act 1994 Native Title (Queensland) Act 1993</i>
Related Documents:	Department of Natural Resources and Mines Guidelines for Local Governments - compulsory acquisition of land

OBJECTIVES

The objectives of this policy are:

- To confirm Council's commitment to legal compliance and appropriate practice with respect to the process for the resumption of land.
- To outline the process for Council to follow in obtaining land or gaining easement rights over land that Council requires to deliver essential community services.

Corporate Plan:	
Theme	<i>Open and Responsive Government Council will provide leadership that supports the diverse needs of our community. We value this diversity and will actively engage to deliver a range of affordable services in an efficient and fair manner. We will acknowledge the aspirations of our community when making decisions in an ethical and transparent way.</i>
Strategy	<i>Provide streamlined and practical regulatory services that deliver on the shared vision with the community.</i>

POLICY STATEMENT

Council is committed to ensuring legal compliance and appropriate practice with respect to the process for the resumption of land.

Council is required when necessary to obtain land for public use or to gain access rights for construction and/or maintenance purposes over land that is either privately owned or not under the control of Council.

This land is used to facilitate the provision of essential community services, such as the construction of roads, drainage, parks and assets for public use.

In exercising its statutory powers of resumption of land, it is Council's intent that:

- The proper statutory process is followed; and
- Procedural fairness is observed; and
- Appropriate compensation is provided for the resumption of land.

Resumption of land by negotiated agreement with the property owner is the preferred method. If agreement can be reached on compensation to be paid, land can be purchased as soon as the necessary transfer documents have been executed. Alternatively, the acquisition could proceed by way of an Agreement pursuant to Section 15 of the *Acquisition of Land Act 1967* or sections 64 or 67 of the *Local Government Act 2009* for footpaths or roads.

The Department of Natural Resources and Mines has provided *Guidelines for Local Governments - compulsory acquisition of land*, and Council will utilise these guidelines when progressing any proposed compulsory land resumptions.

SCOPE

This policy applies to all proposed resumptions of land required by Council to undertake its activities.

The Resumption of Land policy relates to all employees of Council, engaged in the activity of acquiring land for Council and Community purposes.

DEFINITIONS

Claimant - is a person who has a right to claim compensation under the *Acquisition of Land Act 1967* and whose interest in the land is taken under the Act.

Compulsory Acquisition - is the taking of the land (or easement) compulsorily by a Constructing Authority pursuant to the *Acquisition of Land Act 1967*.

Constructing Authority - is a body authorised by the provisions of the *Acquisition of Land Act 1967* to acquire land for public purposes either by agreement or compulsorily. In this policy Constructing Authority is also referred to as Council.

Notice of Intention to Resume - is the formal notification by a Constructing Authority that a parcel of land is required for a public purpose and it is proposed to acquire that parcel for that purpose.

Taking of Land - the *Acquisition of Land Act 1967* refers to the 'taking' of the land which applies to the acquiring of land (or easement) either by agreement or compulsorily.

RESPONSIBILITIES

Policy Author	Manager Property and Operations
Policy Owner	Manager Property and Operations
Guidelines and procedures - Council Resumption of Land Policy Guidelines	Manager Property and Operations

Approved By:

SCENIC RIM REGIONAL COUNCIL
23 September 2014