

Strategic Acquisition of Land

Council Policy

Policy Name: Strategic Acquisition of Land	Policy Number: POL-0090-V01
Date Adopted: 3 February 2016	Review Date: 3 February 2019
Policy Owner: Director Corporate Policy	

Contents:

1. Policy Statement/Objective(s)

Shellharbour City Council is committed to ensuring there are general guiding principles for the strategic acquisition of land in the Shellharbour Local Government area.

This policy outlines the analysis which will be undertaken in recommending to Council the acquisition of land. The policy will also allow for the efficient management of the process of acquiring land for Council.

2. Scope

This policy applies to all strategic and compulsory land acquisitions but does not cover easements, rights of way or formalising encroachments.

3. References

Local Government Act 1993
 Local Government (General) Regulation 2005
 Land Acquisition (Just Terms Compensation) Act 1991
 Real Property Act 1900
 Strata Titles Act 1988
 Community Titles Act 1996
 Roads Act 1993
 Crown Lands Act 1989
 And other relevant legislation

4. Definitions

"Land" means land as a physical entity including buildings, structures and improvements to land held in fee simple.

5. Variation and Review

Council reserves the right to review, vary or revoke this policy.

Review History

Date Policy first adopted – Version 1	3 February 2016
Date amendment adopted – version 2	TBA

6. Policy

6.1 Consistency with Council Strategic Documents

Acquisition of land will be consistent with Council's strategic directions including the economic, social, cultural and environmental objectives as identified in the Council's Community Strategic Plan, Delivery programme, Operational Plan, Local Environmental Plan and any relevant master plans, plans or strategies.

6.2 Opportunities:

When considering acquiring land, Council will look for opportunities to:

- Advance the strategic directions and objectives of Council's Community Strategic Plan and other organisational plans and strategies; and
- Enhance local amenity, the environment, economic development and cultural development

6.3 Transparency

The process for the acquisition of land will be as open and transparent as possible to ensure that Council obtains the best outcome and price and Council's commercial position is protected.

For all transactions Council will obtain relevant information including but not limited to valuation reports in order to assist decision making.

6.4 Methods of Acquisition

Wherever possible Council's preferred method of acquisition is to acquire land through mutual agreement with the owner of the land. Council's preferred position is not to acquire land through compulsory acquisition; however Council has an obligation to provide services to the community and if required Council may consider utilising its powers under the Local Government Act 1993 in respect of compulsory acquisition.

Where a property is placed for sale on the open market, Council can negotiate the purchase price and terms of acquisition to achieve the best possible commercial value. Where properties are not listed on the open market, Council officers will arrange a valuation report as a basis for negotiation.

6.5 Land Acquisition Principles

The following long term strategic directions identified in the Community Strategic Plan will be used as the assessment principles to determine whether or not land will be purchased for strategic purposes. Decision making and assessment criteria must consider the impact of the 4 key themes below and wherever possible should not adversely impact the delivery of Council's strategic objectives.

6.5.1 Community

Council's land holdings are critical to enabling and building vibrant, innovative and resilient communities where participation in community life is activated and encouraged.

Assessment will be made about the extent to which the land contributes to achieving this objective including whether the land improves the quality and opportunities for public space across the region, whether it delivers equitable provision of a diverse range of sport and recreation opportunities or provides enhanced arts and cultural activities that add value to the life of the residents and visitors alike.

Council's land resources are fundamental in delivering community events, festivals and cultural activities that add value to the life of the residents and visitors alike.

Council's land holdings are necessary for the delivery of existing and future infrastructure; including transport infrastructure and networks. The land holdings also serve to deliver public roads, pedestrian and cycle facilities.

6.5.2 Environment

In recognising the natural environment as an integral part of the city's identity, the assessment criteria should ensure the natural environment is maintained and protected by conserving bio-diversity. Acquisition will consider the Council's objective to protect, conserve and manage natural, cultural and built heritage.

6.5.3 Economy

Council will make decisions regarding the acquisition of land within the state of the local economy and will endeavour to increase the city's capacity for long-term economic growth by supporting opportunities for local businesses and local employment. Council may acquire land for purely entrepreneurial purposes.

6.5.4 Leadership

Council will ensure it is open, accountable, ethical and financially responsible. In recognition of Council's leadership role in the community, Council will strive to represent the communities' needs and expectations. The assessment of land suitable for acquisition will consider the competing needs of the community and development of the City.

6.6 Timing of Acquisitions

When acquiring land Council will take into consideration the current property market to ensure that any acquisitions are acquired for a reasonable price.

6.7 Confidentiality

Commercial confidentiality will apply to negotiations for the acquisition of land subject to the requirements of any legislation. The purchase price and other costs associated with the acquisition will be disclosed once settlement has been effected.

6.8 Funding

The most appropriate funding source will be determined with each acquisition.

The costs of maintenance and ongoing operations will be considered during the assessment.

7. Related Forms

Nil

8. Attachments:

Nil

Policy Authorised by:

Name: Council Resolution Minutes No. 12

Date: 3 February 2016