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## 1. Statement

Council has an essential role in providing key infrastructure to support community services and needs through the effective management of its assets by:

- ensuring open and transparent processes when considering acquisition and disposal of land and easements or an interest in land
- ensuring best value is achieved in council land dealings; and
- establishing the criteria under which council will consider acquisition and disposal of land or an interest in land.

## 2. Purpose and Principles

Council as a government authority can acquire or dispose of land or an interest in land for strategic public purposes or infrastructure development requirements.

## 3. Strategic Plan Links

This policy aligns with the following iFuture 2021-2026 Corporate Plan themes:

- Vibrant and Growing
- Safe, Inclusive and Creative

## 4. Regulatory Authority

- *Acquisition of Land Act 1967*
- *Local Government Act 2009*
- *Planning Act 2016*
- *Land Act 1994*
- *Local Government Regulation 2012*
- *Land Valuation Act 2010*
- *Land Title Act 1994*
- *Property Law Act 1974*

## 5. Human Rights Commitment

Ipswich City Council (Council) has considered the human rights protected under the *Human Rights Act 2019 (Qld)* (the Act) when adopting and/or amending this policy. When applying this policy, Council will act and make decisions in a way that is compatible with human rights and give proper consideration to a human right relevant to the decision in accordance with the Act.

## 6. Scope

This policy applies to all required acquisitions and disposals of council freehold land or an interest in land including easements over private property.

### 6.1 Acquisitions

Council will attempt to acquire strategically critical land by agreement at market value as assessed by a registered valuer, however where agreement cannot be reached it may be necessary for council to resume strategically critical land. Land required for road dedication will be acquired through compulsory acquisition under the *Acquisition of Land Act 1967*.

There are three methods in which land can be acquired by Council:

- *Acquisition by Agreement* – where land is acquired by negotiation between parties and the compensation amount is mutually agreed upon in line with the valuation.
- *Compulsory Acquisition* under the *Acquisition of Land Act 1967* – when council issues a notice of intention to resume and the compensation is settled by negotiation and both parties agree to the compulsory taking of the land by way of ‘Resumption Agreements’ under Section 15 of the *Acquisition of Land Act 1967*.
- If agreement cannot be reached on compensation, a Resumption Agreement can still be agreed, and compensation negotiated within three (3) years of the day the notice is published in the gazette.
- *Resumption* under the *Acquisition of Land Act 1967* - when council issues a notice of intention to resume, and the owner objects to the taking of their land. If council chooses to continue with the compulsory acquisition after considering the grounds of objection by the landowner, council will make an application to the Minister who will decide whether to proceed with the taking of the land.

If the matter is to progress, it will be deferred to Land Court for settlement. Objections do not relate to the amount of compensation if an owner disagrees. Interested parties such as owners, lessees or licensees can make a claim within three (3) years of the day the notice is published in the gazette. If agreement cannot be reached on the compensation amount, either party can refer the matter to the Land Court.

Council can acquire land by compulsory acquisition for the purposes set out in Schedule 1 of the *Acquisition of Land Act 1967*.

To undertake an acquisition of land, council must satisfactorily identify the service need or intended purpose for acquiring the land for the provision of public services/public infrastructure and how the provision of the service will benefit and enhance the community.

## 6.2 Disposals

A decision to dispose of land will be made with the clear knowledge that the delivery of council's service needs, now or in the future, will not require the subject property, making the land surplus to council requirements. The disposal of any council land must be made in accordance with the *Local Government Regulation 2012*.

Any decision to dispose of land and assets will be made upon the following considerations:

- Statutory influences (restrictions or limitations) - where council ownership is by Trust;
- Existing usage - the usefulness of the land and/or assets in the delivery of council's services and whether it is surplus to council's requirements;
- Strategy and direction – what are council's long-term plans, strategic direction and future strategy;
- Regeneration - restoration or redevelopment;
- Maintenance - the annual cost of maintenance, repairs and/or, remaining useful life;
- Spatial distribution – the impact the disposal may have on the community. Are there adequate facilities and opportunity to meet the future needs of the community?
- Conservation value – cultural, natural or historical significance; and
- Site constraints and opportunities – in addition to conservation significance are there any other site constraints such as flood liability, land slip, unexploded ordnance, mine subsidence or any other physical constraints.

## 6.3 Easements

Council on occasions may require a right over private land holdings for an easement to meet infrastructure service needs for the community.

An easement may be granted only for a recognised easement purpose, eg. right of way (access), services, or for purposes associated with a public utility service such as public thoroughfare, drainage, sewerage, the supply of electricity, gas, water, etc.

If council don't have a requirement to take part or the whole of the land but it is sufficient for such purposes to take an easement, the provisions of this policy apply as if the easement were land.

## 7. Roles and Responsibilities

The Property Services Section is responsible for negotiating and administering all acquisitions and disposals of council owned and managed land and buildings.

All acquisitions and disposals must be effected by way of council resolution.

## 8. Key Stakeholders

- Infrastructure Strategy and Capital Delivery Branch – Asset and Infrastructure Services Department
- Community and Cultural Services Branch – Community, Cultural and Economic Development Department
- Natural Environment Branch – Environment and Sustainability Department

**9. Related Documents**

- Early Property Acquisition Policy

**10. Monitoring and Evaluation**

- The number of acquisitions negotiated by agreement as opposed to compulsory agreements should be limited.
- Any acquisitions or disposals are within a reasonable range of the valuation assessment.

**11. Definitions**

<b>Acquisition by Agreement</b>	Means to acquire land or easement rights by mutual agreement between the property owner and council without utilising powers under the Act
<b>Act</b>	Refers to the <i>Acquisition of Land Act 1967</i>
<b>Council</b>	Means Ipswich City Council

**12. Policy Owner**

The General Manager (Corporate Services) is the policy owner and the Property Services Manager – Property Services Section (Corporate Services) is responsible for authoring and reviewing this policy.