



Name	GOV12 Land Acquisition
Policy Type	Council
Responsible Officer	Chief Executive Officer
Approval Date	16/05/2018
Review Date	15/05/2022

**1. Purpose**

The purpose of this policy is to promote informed decision-making and provide a set of criteria against which to assess land acquisition.

**2. Scope**

This policy applies to decisions of Council with regards to acquisition of land, excluding compulsory acquisition of land under the Local Government Act and/or Lands Acquisition Act.

**3. Definitions**

For the purposes of this Policy, the following definitions apply:

Interest	in relation to land, means: (a) a legal or equitable estate or interest in the land; or (b) an easement, right, power or privilege in, under, over, affecting or in connection with land.
Land	Land (including the seabed) within the limits of Litchfield Council and includes an interest in land.

**4. Policy Statement**

Properties are to be identified taking into consideration the purpose for which the site needs to be acquired, the strategic nature of such properties, and the value that such properties have to the community. Acquisition of properties shall be evaluated using the following principles:

- Probity
- Statutory compliance
- Commercial maximisation, flexibility and confidentiality
- Transparency of process
- Achievement of specific policy outcomes of Council.

#### **4.1. Land Acquisition Assessment**

4.1.1. Council shall acquire land only after development and assessment of a sound business case that includes, but is not limited to, assessment of the following criteria:

- Site condition and suitability, including, but not limited to:
  - Physical site characteristics
  - Zoning of the land
  - Current use and existing structures on the site
  - Property contamination
  - Cultural heritage/native title issues
- Independent valuation of the land
- Community benefit and demand
- Priorities of Council
- Potential financial benefit
- Cost of initial acquisition
- Assessment of long-term maintenance costs for the land
- Availability of funding for the purchase and ongoing maintenance costs
- Risk, including undue financial implications for Council and risk of acquisition opportunity being lost or rendered unsuitable for intended use.

4.1.2. Council recognises that acceptance of land necessarily incurs on-going maintenance costs for the land.

4.1.3. When, for any purpose, it is not necessary for Council to take the whole estate in any land, but it is sufficient for such purpose to take an easement, an easement can be taken and the provisions of this policy apply, where applicable.

#### **4.2. Conditions of Acceptance of Land**

4.2.1. Land is to be properly vested in Council.

4.2.2. Council is to be granted freehold title to the land, where title rights exist, unless otherwise negotiated for former Crown Land.

4.2.3. Land is to be free of rubbish and debris.

4.2.4. Land is to be free of declared weeds and containing appropriate fire breaks on all boundaries.

4.2.5. For undeveloped Crown Land, a water, power, and sewer service of a size to adequately service the area will be provided at the boundary, where available and appropriate.

4.2.6. For developed Crown Land, the development shall be provided at a standard agreed upon by Council and Government.

4.2.7. For private land, the land shall be developed in accordance with Council’s Development and Subdivision Standards and shall be provided at a standard agreed upon by the Council and the private land owner.

**4.3. Compulsory Acquisition**

Section 178 of the Local Government Act provides the Minister administering the Lands Acquisition Act the ability to, upon arrangement with a council, compulsorily acquire land for that council, under the Lands Acquisition Act.

**5. Associated Documents**

Litchfield Council Development and Subdivision Standards

**6. References and Legislation**

Northern Territory Local Government Act

Northern Territory Lands Acquisition Act

**7. Review History**

Date Reviewed	Description of changes (Inc Decision No. if applicable)
16/05/2018	New policy, rescinding policies LC17 and LC37 (Decision number 1718/230)