

LAND RESUMPTION FOR ROADWORKS

DIVISION	BUSINESS UNIT	RESPONSIBILITY AREA
Works and Services	Infrastructure	Roads

OBJECTIVE

To provide clear guidelines regarding land resumptions and compensation arrangements when required in order for the Council to facilitate the provision of services such as the construction of roads and drainage or to address a Council asset that has been constructed on private property.

POLICY

1. Scope

This policy applies to any resumptions of land required by the Council to undertake its activities.

2. Legislation

Local Government Act 1995, Part 3, Division 3, Section 3.55 – ‘Acquisition of land’

Land Administration Act, Parts 9 and 10

3. Application of Policy

3.1 Land resumption will take place when the Council has identified that tenure is required over private land in the following circumstances:

3.1.1 As part of the design and construction for a roadworks, water or drainage project adopted in the annual budget or forward planning for infrastructure.

3.1.2 As a result of identification by the owner of private property of a road or Council asset which has been constructed on that private property.

3.2 The Council will ensure the following processes are observed when land resumption is required:

3.2.1 The proper statutory process is followed.

3.2.2 Procedural fairness is observed.

3.2.3 Appropriate compensation is provided to the landowner for the resumption of the land based on an independent valuation.

3.3 Subject to authorisation by the Council, land resumptions will be determined in the following order:

3.3.1 Land exchange if applicable and appropriate.

3.3.2 Financial compensation acceptable to the landowner and the Council.

3.3.3 If negotiations are unsuccessful, compulsory acquisition processes may be implemented.

ADOPTED: MAY 2007

LAST REVIEWED: 16 JUNE 2020

