

<b>Responsible Directorate</b>	<b>Infrastructure</b>
<b>Responsible Business Unit/s</b>	<b>Infrastructure Administration</b>
<b>Responsible Officer</b>	<b>Director Infrastructure</b>
<b>Affected Business Unit/s</b>	<b>Infrastructure Administration</b> <b>Engineering Design</b> <b>Development Services</b> <b>City Planning</b>

## Objective

This policy sets out guidelines in relation to the taking of land by Council by way of Compulsory Acquisition where a negotiated settlement has not been successful.

## Scope

This policy covers all land proposed to be taken by Council by way of Compulsory Acquisition

## Policy

In exercising its statutory powers of taking land:

- i) The proper statutory process is followed;
- ii) Procedural fairness is observed; and
- iii) Reasonable compensation is provided for the taking of the land.

Despite the issuing of a Notice of Intention to Take Land (“NOITT”), Council is prepared to negotiate the acquisition of the land by agreement.

Council approval is required to undertake a NOITT with the following clarifications:

- i) The land is required within five (5) years for projects contained in Council’s current capital works program adopted by resolution of Council;
- ii) The land is identified for a project presented and adopted by the Council;
- iii) Appropriate funding will be available for compensation costs.

In determining reasonable compensation:

- i) For minor taking of land, regard shall be given to the assessment of compensation by a registered valuer appointed by the Council; and
- ii) For other taking of land, where the parties cannot otherwise agree on the compensation, regard shall be had to the assessment of compensation by at least two (2) registered valuers appointed by Council.

To facilitate legal compliance with the taking of land process it is Council’s policy that:

- i) The Infrastructure Administration Business Unit has the responsibility for the legal oversight of the taking of land; and
- ii) For the purpose of the “Objection hearings” the following officers are authorised delegates:

- Director Infrastructure
- Coordinator Property Services

Where a court hearing arises out of, or in connection with the taking of land process, the City's legal representative will be responsible for the conduct of the court hearing and take all appropriate action in relation to the conduct of the action as necessary.

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## Definitions

**NOITT** means Notice of Intention to Take Land.

**Land** means the definition assigned to it under the *Land Administration Act 1997*.

**Take Land** means acquisitions by agreement under the *Land Administration Act 1997* and *Local Government Act 1995*, or otherwise.

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## Relevant management practices/documents

City of Stirling Annual Budget

City of Stirling Strategic Community Plan

Statement of Procedures for the Taking of Land for a Public Work

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## Legislation/local law requirements

*Local Government Act 1995*

*Land Administration Act 1997*

Office use only			
<b>Relevant delegations</b>	Instruct Legal Action		
<b>Initial Council adoption</b>	<b>Date</b> 4 June 2013	<b>Resolution #</b>	0613/014
<b>Last reviewed</b>	<b>Date</b> 26 May 2020	<b>Resolution #</b>	0520/027
<b>Next review due</b>	<b>Date</b> 2021		