

POLICY NAME

Acquisition of Property

POLICY NUMBER

PD 001

DATE ADOPTED

3 July 1990

COUNCIL MINUTE NUMBER

416

ECM NUMBER

File No 41/POL

POLICY TYPE

Council

REVIEW DATE

April 2013

RESPONSIBLE DEPARTMENT

Property Development

RELATED DOCUMENTS

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Purpose

This policy outlines the compensations required to be made by Council where Council is the Acquisition Authority for a certain property.

Policy Statement

1. Where a property is affected by a Planning Scheme or Instrument, Council being the Acquisition Authority should compensate the property owner in the following manner:
 - (a) Current Market Value is assessed, disregarding the affect of the Planning Instrument.
 - (b) Where Council initiates the action to acquire the property in advance of requirements, then Council should compensate the owner in addition to current market value:
 - i. the payment of the owner's reasonable legal fees in the transfer of the property to Council;
 - ii. the payment of the owner's reasonable legal fees in the purchase of an alternative property;
 - iii. stamp duty on the purchase of an alternative property;
 - iv. removalist expenses from the existing cottage to a new property within reasonable distance;
 - v. additional moneys that represent relocation costs together with possible inconvenience.
2. Where the property is affected by a Planning Instrument and the only acquiring authority is Council and if the property is not required by Council for a number of years and the owner approaches Council, then the property will be purchased but conditions (b) (i) to (b) (v) above will not apply and each party will be responsible for the payment of their own legal fees.

Scope

This policy applies to Councillors and Staff.