

ACQUIREMENT OF LAND GENERAL POLICY

Intent To establish general principles when obtaining land for community or operational purposes.

Scope This Policy provides for the efficient management of the process of acquiring land for community purposes or for Council's operational use. This Policy includes acquiring an easement for a public purpose and for any matter to proceed as a compulsory acquisition under the provisions of the *Acquisition of Land Act 1967* should voluntary negotiations fail or become protracted and leasing a site not owned by Council for operational purposes.

PROVISIONS**BACKGROUND**

The objectives of this policy are:

- To ensure the Cairns Regional Council has transparent and accountable processes to follow when acquiring land.
- To ensure best value is achieved in Council land dealings.
- To establish the principles under which Council will consider acquiring land.
- To ensure decision making is in the public interest when acquiring land.

DEFINITIONS

For the purpose of this policy:

"Act" means the *Local Government Act 2009*;

"community or operational purposes" means the purposes for which land may be acquired as outlined in schedule 1 of the *Acquisition of Land Act 1967* or under the *Property Law Act* or *Retail Shop Leases Act* for leasing arrangements

"land" means land as a physical entity including buildings on the land and fixtures attached to the land;

"public purpose" refer to definition for "community or operational purposes"; and

"Regulation" means the *Local Government Regulation 2012*

POLICY STATEMENTS

- Acquirement of land will be consistent with Council's strategic directions including the economic, social, cultural and/or environmental objectives. Strategic directions are identified in Council's Strategic Planning documents including Council's Corporate Plan, Local Government Infrastructure Plan and any relevant Masterplan.
- When considering acquiring land, Council will look for opportunities to:
 - advance the strategic directions and objectives of Council's Corporate Plan; and
 - enhance local amenity, the environment, economic development and sustainable growth.
- The process for the acquirement of land will be open and transparent to ensure Council obtains the best outcome and price.

MAJOR LEGISLATIVE AND CORPORATE REQUIREMENTS

This Policy complies with the requirements of the Act and the Regulation.

- Other major legislative requirements that may be relevant include the following:
 - *Acquisition of Land Act 1967*
 - *Planning Act 2016*

This Policy is to be implemented in conjunction with other relevant Council policies and strategies including the following:

- Procurement General Policy (#927360)
- Local Government Infrastructure Plan (LGIP)

ASSESSMENT PRINCIPLES

The following strategic directions will be used as the assessment principles to determine the impact on the local community before any decision is made on whether land should be acquired:

- community
- economy
- environment
- governance

Decision making and assessment criteria must consider the impact on the 4 guiding principles below and wherever possible should not adversely impact the delivery of Council's strategic objectives. Sustainability is inherent in the development of this policy.

Community

Council's land holdings are critical to enabling and building vibrant, innovative and resilient communities, where participation in community life is activated and encouraged.

Acquirement of land should advance Council's objectives of nurturing and enhancing the region's unique lifestyle, planning for cultural diversity and inclusiveness and creating a more compact, connected and sustainable community. Council's land resources are fundamental in delivering community events, festivals and cultural activities for our diverse natural and cultural heritage and strategic procurements should support these activities where possible.

An assessment will be made about the extent to which the land to be acquired contributes to achieving this objective, including whether:

- the land will improve the quality and opportunities for public space across the region;
- the land will deliver equitable provision of a diverse range of sport and recreation opportunities; or
- the land will provide enhanced arts and cultural activities that add value to the life of residents and visitors alike.

Economy

Council will acquire land with the state of the local economy in mind and will endeavour to increase the region's capacity for long-term economic growth by supporting opportunities for local businesses and local employment.

The acquirement of land should consolidate and strengthen existing and emerging regional industries wherever possible while also supporting more diverse urban and rural economies.

Environment

In the tropics there is a rich diversity of ecosystems and it is important that Council reduces its environmental impact and takes steps to maintain and restore ecosystems to protect biodiversity.

Council's land holdings are necessary for the delivery of existing and future infrastructure; including transport infrastructure and networks for road, rail, air and sea. The land holdings also serve to deliver pedestrian and cycle facilities including walking and cycle trails.

An assessment will be made about the extent to which the land to be acquired contributes to achieving this objective, ensuring that:

- the region's character is retained;
- the impact on the urban environment is reduced by protecting hillslopes and maintaining the tropical feel of the region, whilst balancing growth, urban density and suburban development and retaining visual amenity and landscapes;
- natural, cultural and build heritage is protected, conserved and maintained;
- the natural environment will be maintained and protected by conserving bio-diversity and conserving the life-forms within an ecosystem; and
- the significance of trees is taken into consideration and trees are protected wherever practical.

Governance

In striving for organisational excellence, Council will ensure it is open, accountable, ethical and financially responsible. In recognition of Council's leadership role in the community, Council will strive to represent the communities' needs and expectations.

Council's land holdings are required to provide a balance of community, recreation and leisure activities. The cost of on-going maintenance of the land is to be considered especially if acquiring land for open space, recreation or leisure activities.

CONFIDENTIALITY

Commercial confidentiality will apply to negotiations for the acquirement of land unless Council decides otherwise and subject to the requirements of any legislation or law.

The purchase price and other costs associated with the acquirement will be publicly disclosed once settlement has been effected.

FINANCIAL REVIEW

Council will consider the affordability of the acquirement and the impact on Council's long term financial plan.

ASSOCIATED DOCUMENTS

Council's 'Administrative Instruction for acquirement of land' (reference #5918264) provides clarity in the implementation of this policy.



This policy is to remain in force until otherwise determined by Council.

Director responsible for review:

Planning, Growth and Sustainability

ORIGINALLY ADOPTED: 25/7/2012

CURRENT ADOPTION: 11/12/2024

DUE FOR REVISION: 11/12/2028

REVOKED/SUPERSEDED:



**Ken Gouldthorp
Chief Executive Officer**