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VALUES OFFERED FOR LAND RESUMPTION

Objective

To ensure proper and ordered procedures are in place for any land resumption for roads, paths, drains etc, and that fair compensation is paid for such resumptions.

Policy

1. The proposed land resumption should be discussed with the private land owner at the earliest possible occasion.
2. Permission shall be obtained from the landowner to enter the land for surveying and pegging purposes to determine the exact amount of land affected by the proposed public works.
3. Once the land area is surveyed and determined by a Licenced Surveyor, a written agreement should be negotiated with the land owner with the following conditions normally applying:
 - a) Council to fund and arrange all surveying, legal, deed change and gazettal proceedings to fully complete the resumption administration procedures;
 - b) Council to construct new fencing on the newly created road frontage, including gateways, access points etc;
 - c) A valuation shall be arranged for by Council staff from the Valuer General's Office or from Local Real Estate Valuers on similar types of land at Council 's expense. This valuation shall form the basis of negotiation for compensation between Council and the landowner;
 - d) Council shall normally offer the valuation amount plus 10%, Land Administration Act 1997 Sec 241 (9), for forcible resumption to the landowner as full compensation for the resumption;

- e) The compensation value shall be, as much as is acceptable by the landowner, offered by Council staff in the form of use of Council machinery for works on the private property, materials supplied, pipes or access points installed etc. The last option will be the compensation to be paid in cash;
- f) A copy of the final written resumption agreement including the level of compensation shall be sent to the Department of Land Administration along with the final request to complete on site licensed survey pegging, with the original being kept by Council and a copy being kept by the landowner;
- g) The Executive Manager of Infrastructure shall be responsible for adequate ensuring documentation of any resumption proceedings takes place, particularly where a cheque is not used to settle final compensation.

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Keywords

Related Policies Nil

Related Procedures/
Documents Nil

DELEGATION LEVEL CEO, by CEO to Executive Manager of Infrastructure and Project Administration Engineer.

Last Reviewed 12th November 2002
