

STRATEGIC OUTCOME SUPPORTED: 12 - A well respected, professionally run organisation.

1. OBJECTIVE

- 1.1. To guide the Shire of Donnybrook Balingup on the compensation to landowners when dealing with land resumption under the *Local Government Act 1995* and *Land Administration Act 1997*.

2. SCOPE

- 2.1. This discretionary policy of Council relates to compensation for any land required by the Shire of Donnybrook Balingup for land resumption and/or road boundary adjustments when proposing to undertake works that will be located within private property, Crown Land, Local and/or State Government reserves.

3. DEFINITIONS

- 3.1. **Compulsory resumption** means land brought back by State or local government and a variety of statutory authorities as stated in Parts 9 and 10 of the *Land Administration Act 1997*.
- 3.2. **Shire** means Shire of Donnybrook Balingup.

4. POLICY STATEMENT

- 4.1. Land additional to existing road reserves is commonly required for the Shire to construct roads and drainage to meet current standards, achieve required level of service outcomes, or to address road safety issues.

Compensation

- 4.2. The proposed land resumption shall be discussed with the landowner/s at the earliest possible occasion. Through this process, consideration can be given to offsetting any losses with other assets (i.e., surplus road reserve) to achieve an amicable outcome to both parties.
- 4.3. Once the final land area is determined a written agreement will be negotiated with the landowner/s with the following requirements and conditions:
 - a. The Shire will fund and arrange all surveying, settlement agency, legal, deed change, and gazettal proceedings to fully complete the resumption administration procedures.
 - b. Where there is existing fencing, The Shire will construct new fencing on the newly created road frontage, including gateways, access points etc on a "like for like" basis.
 - c. The Shire will obtain and pay for a valuation from the Valuer-General (VG). This valuation shall form the basis of negotiation for compensation between the Shire and the landowner/s. Where the parcel of land to be resumed is

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of minimal size and value, and agreement is reached with the landowner, there is no requirement to obtain a valuation.

- d. If agreed, the compensation value may be in the form of works by the Shire machinery on the private property and including materials, pipes or access points installed etc.

4.4. When compulsory resumption is required, the offer of compensation will be in accordance with the relevant Act and the VG's valuation, however, the above points can be considered, if the impacted parties agree to reach an amicable resolution of the matter during the compulsory acquisition process, and State Lands have no objection to the negotiated agreement.

5. DELEGATION AND AUTHORISATION

5.1. The Chief Executive Officer is authorised to compensate a landowner up to 10% of the valuation obtained at cl 4.3c to progress an agreement. The amount of compensation is at the discretion of the Chief Executive Officer to finalise voluntary negotiations.

5.2. Delegation 1.2.3 Powers of Entry.

6. LEGISLATION

6.1. *Local Government Act 1995*

6.2. *Land Administration Act 1997*

7. POLICY VERSION

Related Policies:	Nil		
Related Procedure:	WRKS/OP-1- Land Resumption		
Responsible Department:	Works and Services		
Reviewer:	Manager Works and Services		
Review Frequency:	Triennial	Next Due:	2024
Version Date:	24/05/2021	Synergy #:	NPP8076
Policy Version Details			
Initial Adoption Date:	1 January 1993	Decision Reference:	N/A
Version Decision Date:	21/12/21	Decision Reference:	213/21
Version Synopsis:	<ul style="list-style-type: none"> • Removed policy number 4.3 and added new policy ID; and • Added objective, scope, definitions and delegation and authorisation. • Removed: <ul style="list-style-type: none"> - Additional allowance - Procedural information regarding actions staff is to take after an agreement has been finalised 		