

# Early Acquisition of Property for Council Infrastructure Projects Policy

## Policy Details

<b>Directorate:</b>	Organisational Services
<b>Branch:</b>	Administration
<b>Responsible Manager:</b>	Administration Manager
<b>Date adopted:</b>	25/05/2022 (minute number 48/2022)
<b>Date for review:</b>	2 years from the date of adoption or date of last review
<b>Legislative references:</b>	<i>Acquisition of Land Act 1967 (Qld)</i> <i>Local Government Act 2009 (Qld)</i> <i>Local Government Regulation 2012 (Qld)</i>
<b>Related Documents - forms and procedures</b>	Early Acquisition Application Form (DM: 15423497) Early Acquisition of Property Procedure (DM: 15523288)

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### 1. Policy Purpose

The purpose of this policy is to ensure Council's decisions for the early acquisition of property required for a Council Infrastructure Project on hardship grounds are consistent and fair and to enable landowners to be aware of the criteria under which their application will be assessed.

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### 2. Scope

This policy applies to all freehold properties within Council's local government area when there is a known land requirement because of a Council infrastructure project (including within a PDA where Council is responsible for land acquisitions).

This policy will apply if the project is a Council Infrastructure Project and Council has sufficient funds in the budget for the early acquisition of the property.

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### 3. Policy Statement

Planning for Council Infrastructure Projects is often undertaken well in advance of construction. However, property is generally not acquired (by negotiation or compulsory acquisition) until construction is imminent. Property may be acquired earlier than needed if Landowners can demonstrate that they will experience genuine hardship as a result of a delay to acquisition of their property.

Council will consider an application for early acquisition where all the Prerequisites are met, and at least one of the Eligibility Criteria applies, except where any of the Exclusions apply. These Prerequisites and Exclusions are set out in the Early Acquisition of Property for Council Infrastructure Projects Procedure (DM: 15523288).

Council retains the discretion to purchase only that part of the property required for the Council Infrastructure Project.

#### Early Acquisition of Property for Council Infrastructure Projects Procedure

All decisions and/or actions made under this policy must be made in accordance with the Early Acquisition of Property for Council Infrastructure Projects Procedure (DM: 15523288).

## 4. Definitions

The following definitions apply to this policy and the associated procedure.

TERM	DEFINITION
ALA	<i>Acquisition of Land Act 1967</i> (Qld)
Council Infrastructure Project	A project which is: <ul style="list-style-type: none"> <li>(a) funded on Council's capital program;</li> <li>(b) identified as trunk infrastructure in the Local Government Infrastructure Plan adopted by Logan City Council from time to time;</li> <li>(c) identified as trunk infrastructure in an executed Infrastructure Agreement; or</li> <li>(d) approved by a resolution of Council.</li> </ul>
Eligibility Criteria	The eligibility criteria set out in the Early Acquisition of Property for Council Infrastructure Projects Procedure.
Exclusions	The exclusions criteria set out in the Early Acquisition of Property for Council Infrastructure Projects Procedure.
Genuine Hardship	Where the Landowner can demonstrate that they meet at least one of the Eligibility Criteria.
Landowner	The registered owner/s of a freehold property affected by a Council infrastructure project.
PDA	Areas declared by the Minister for Economic Development Queensland as a Priority Development Area under the <i>Economic Development Act 2012</i> (Qld) and for which Economic Development Queensland is the planning authority.
Prerequisites	The prerequisite criteria set out in the Early Acquisition of Property for Council Infrastructure Projects Procedure.

#### Document Control

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