



Council Policy Manual

WEST WIMMERA SHIRE COUNCIL

COUNCIL POLICY		
PROPERTY ACQUISITION POLICY	Policy No:	
	Adopted by Council:	20 August 2025
	Next review date:	August 2029
Executive Director:	Director Infrastructure Development & Works	
Responsible Officer:	Manager Infrastructure Engineering	
Functional Area:	Infrastructure Engineering	
Introduction and Background	It has been identified that Council should have some guidance via a policy on the acquisition of land or property to minimise the risks involved and ensure the process is controlled and transparent.	
Purpose and Objectives	The purpose of this policy is to provide: <ul style="list-style-type: none">• a fair, compliant, and transparent position with regards to the acquisition of Council owned property; and• criteria to determine if a property is worthy of purchase.	
Scope	This policy also applies to any property that Council is considering acquiring. This policy does not apply to CROWN land or property managed by Council on behalf of the CROWN.	
Response to the Overarching Governance Principles of the Local Government Act 2020	Section 9 of the Local Government Act 2020 states that a Council must in the performance of its role give effect to the overarching governance principles. This policy is in response to the following overarching governance principle/s of the Local Government Act 2020: <ul style="list-style-type: none">• the community engagement principles (section 56)• the public transparency principles (section 58)	
Definitions	Property – Real property commonly referred to land and may include a building or improvements on the land. Land – The land as described in a Certificate of Title that has no improvements within its boundaries. Acquisition – Purchase of property or land. Valuation – A formal assessment performed by a Registered Valuer to establish value of property or land.	



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	<p>Certificate of Title – A record of interests and rights affecting land.</p> <p>Real Assets – Land or property.</p> <p>Best Value – A principle-based approach that aims to ensure that services meet the needs of the community in terms of quality, competitiveness, efficiency, continuous improvement, and accountability.</p> <p>Contract – A written agreement documenting the acquisition of property that is enforceable by law.</p> <p>Compulsory Acquisition – A statutory process that enables Council to acquire land or property without the willing consent of its owner or occupant for public purposes such as building or roads.</p>
Policy Details	
1.	<p>General Provisions</p> <p>West Wimmera Shire Council has a responsibility to manage property owned by Council so that it provides best value for the community.</p> <p>1.1 Acquisition and Compensation</p> <p>A Council may purchase or compulsorily acquire any land which is or may be required by the Council for or in connection with, or as incidental to, the performance of its functions or the exercise of its powers. Council must undertake a community engagement process in accordance with its Community Engagement Policy.</p> <p>1.2 Other Consultation</p> <p>Where no statutory requirement exists, but it is considered to be in Council's best interest to enter additional community engagement, Council may, at its discretion, undertake an appropriate community engagement process.</p> <p>Nothing in this policy precludes preliminary discussions taking place between Councillor's and staff as to whether a property might be suitable for consideration for sale. The following details are required as a minimum for a preliminary discussion:</p> <ul style="list-style-type: none"> • Address of the property • Area of the property according to the Council records. • Land Use Zone according to Council records. • Book value according to Council records. <p>For preliminary discussions, Council will not incur the cost of a valuation by a Certified Valuer.</p> <p>1.3 Hearing of proposals with respect to property acquisition</p> <p>Council at a Forum meeting will consider and hear any proposals in relation to the acquisition of property.</p>
2.	<p>Criteria Considered Regarding Acquisition of Property</p> <p>2.1 Criteria for Acquisition</p> <p>A property may be considered for acquisition if:</p> <ul style="list-style-type: none"> • Property is required for provision of a Council service or operation, now or in the



	<p>future, and no suitable, economical viable alternative exists; or</p> <ul style="list-style-type: none"> • The property demonstrates a viable economic return to Council over time; or • The property can be set aside to fulfil a demonstrated strategic purpose in the future. <p>2.2 Compulsory Acquisition</p> <p>As an 'acquiring authority' under the <i>Planning and Environment Act 1987</i>, and in accordance with section 112 of the <i>Local Government Act 2020</i>, Council may compulsorily acquire property.</p> <p>A property will only be compulsorily acquired when:</p> <ul style="list-style-type: none"> • It is for public purpose. • All other options have been explored and considered. • The land is first included in a Public Acquisition Overlay in the West Wimmera Planning Scheme; and • The process for compulsory acquisition as set out in the <i>Land Acquisition and Compensation Act 1986 (VIC)</i> and the Victorian Government Land Transactions Policy (2022) has been followed.
3.	<p>Consideration of Proposals</p> <p>3.1 Prior to formal consideration of a proposal to acquire property</p> <p>A comprehensive due diligence report is to be provided to Council outlining the following as a minimum:</p> <ul style="list-style-type: none"> • Description of the property. • A valuation by a Certified Valuer. • A locality map. • Confirmation that the land is as described and survey issues such as encroachments (either on or from the land), access, encumbrances, etc., have been investigated and addressed. This will ensure that true property boundaries of the land and any right and restrictions are accurately recorded in the title documents and/or any material discrepancies are disclosed in the sale contract. • The current user/s • The reason for proposed acquisition. • Certificate of Title (copy). • The recommended method of acquisition. • A recommendation as to the purchase price range and associated legal and other costs (in confidence). • Budget considerations. • Estimated timeframes; and • Any special conditions. <p>A report will satisfy the criteria set out in 2.1 and address the questions outlined below.</p> <p>3.2 Regarding Acquisition</p> <ul style="list-style-type: none"> • Has the acquisition of the property been identified in a Council plan, strategy, study, master plan or previous Council resolution? • Has the proposal to acquire property been referred to the Executive Leadership Team (ELT) for consideration and recommendations? • Is there a flood liability or drainage constraint on the property such as an LSIO



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	<p>(Land Subject to Inundation Overlay), FO (Floodway Overlay), BMO (Bushfire Management Overlay)?</p> <ul style="list-style-type: none"> What are the other planning controls and considerations, such as significant vegetation and cultural heritage. Has the potential for contamination been investigated? (Where it is deemed that there is potential for contamination to be present, the responsible agency must engage a suitably qualified expert to undertake, at a minimum, a preliminary risk screen assessment, to formalise and document the contamination status of the land. Has the property been acquired because of unpaid municipal rates? Have liabilities on the property been considered? Are there other locations or options available to provide the same level of service, with similar or better economic, social or environmental benefit? Have Native Title implications been considered? <p>3.3 Cost of Acquisition</p> <ul style="list-style-type: none"> What is the total, upfront and ongoing cost to Council for purchase and management, and how does this compare to any alternatives?
4	<p>Confidentiality</p> <p>All information with regards to the acquisition of property can be made public, except in the following circumstances:</p> <ul style="list-style-type: none"> Valuation advice remains the property of the instructing agency (or agencies where joint instructions are issued) and must not be disclosed to any third party unless authorised by the agency(ies). Any other documentation or information that discloses commercially sensitive information.
5	<p>References</p> <ul style="list-style-type: none"> <i>The Local Government Act 2020 The Transfer of Land Act 1958</i> <i>The Land Acquisition and Compensation Act 1986 The Valuation of Land Act 1960</i> Victorian Government Land Transactions Policy (2022)

Policy Adopted:	Council Meeting	20 August 2025	SRV – Governance – Policies and Procedures
Policy Reviewed:			