

Policy No. PP032

Easement and Acquisition Policy

1 INFORMATION ABOUT THIS POLICY

POLICY INFORMATION

Date Adopted by Board 24 October 2019	Board Resolution No. 19/095
Policy Responsibility: General Manager	
Review Timeframe 4 Yearly	
Last Review N/A	Next Scheduled Review October 2023

DOCUMENT HISTORY

DOCUMENT NO.	DATE AMENDED	SUMMARY OF CHANGES
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FURTHER DOCUMENT INFORMATION AND RELATIONSHIPS

Related Legislation	Land Acquisition (Just Terms Compensation) Act 1991 Local Government Act 1993 Water Management Act 2000
Related Policies	
Related Procedures, Protocols, Statements and Documents	

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3 PURPOSE

To ensure access to and protection of Goldenfields Water County Council's infrastructure by means of an easement.

4 SCOPE

This policy applies to all existing, new or renewed infrastructure owned and operated by GWCC.

5 DEFINITIONS

Acquisition – To acquire land from a landowner

Burdened Lot – A lot that is to be burdened by an easement in favour of the GWCC.

Easement – An easement is a legal right that attaches to land or a part of land (the Burdened Lot) and allows a benefiting party (GWCC) to use the land in a particular manner.

GWCC – Goldenfields Water County Council.

Landowner – The registered proprietor of the land

6 POLICY

6.1 New or renewed infrastructure

Where GWCC constructs new infrastructure or renews existing infrastructure an easement or acquisition will be sought. Generally speaking land required for a structure such as a reservoirs and pump stations will seek to be acquired, whereas subsurface infrastructure such as pipelines will seek an easement.

6.1.1 Landowner easement or land acquisition agreement

An agreement will be sought with the landowner prior to works taking place whereby the landowner consents to the acquisition and/or vesting of an easement for water pipeline under section 30 of the Land Acquisition (Just Terms Compensation) Act 1991. A plan of the works and intended easement or land acquisition will be provided prior to the works taking place but may be subject to change during construction.

6.1.2 Easement or acquisition

After the completion of works an easement will be created or land acquired. GWCC will meet all reasonable legal costs associated with preparation and completion of this Agreement or of the granting or vesting of the easement (including stamp duty, registration fees and fees payable for obtaining any necessary consent).

6.1.3 Compulsory acquisition

Compulsory acquisition should not be used unless acquisition by agreement has been rejected as being unsuitable, or has been unsuccessful in gaining agreement and it can be shown that the property need is site specific and essential. Prior to proceeding with compulsory acquisition GWCC should undertake all reasonable endeavours to negotiate agreement with the landowner.

A Board resolution will be required prior to staff commencing a compulsory acquisition process. The following information will be provided to the Board to enable the decision process:

- The reasons for the compulsory acquisition and should contain the
- Land description,
- Purpose for which it is being acquired,
- The benefit to the community/public,
- Any alternative land investigated and,
- Reasons why the land is preferred.

6.2 Existing infrastructure without an easement

Where existing infrastructure exists GWCC may or may not seek to gain an easement over the land in retrospect. Reasons to consider obtaining an easement for existing infrastructure include assets of high criticality, as part of development consent when development or subdivision of land occurs and other reasons considered reasonable and justifiable by staff.

Where an easement does not exist GWCC has right to access land and enter any premises to carry out water supply work on, above or below the surface of the land in accordance with the following legislation:

- Local Government Act 1993
- Water Management Act 2000

6.3 Compensation

Where appropriate, GWCC can provide compensation based on a land valuation. In some instances additional or alternate requests to monetary compensation can be considered such as relocation of within the lot to a more favourable location, fencing etc.

6.4 Terms of easement for pipeline and water supply

Full and free right title liberty and licence for Goldenfields Water County Council its successor and assigns to construct, lay, maintain, repair, renew, cleanse, inspect, replace and divert or alter the position of a water main or pipeline with apparatus and appurtenances thereof in or under the surface of such part of the land herein indicated as the servient tenement and to carry and convey water through the said water main or pipeline and for the purposes aforesaid or any of them by its officers servants and or contractors with or without motor or other vehicles, plant and machinery to enter upon and break open the surface of the servient tenement and to deposit soil temporarily on the servient tenement but subject to a liability to replace the soil and upon completion of the work restore the surface area of the said servient tenement to its former condition as far as reasonably practical. No building shall be erected nor any structures fences or improvements of any kind shall be placed over or under that part of the lot burdened as is affected by the easement for pipeline and water supply except with the prior consent in writing of Goldenfields Water County Council and expect in compliance with any conditions which Goldenfields Water County Council may specify in such consent.