

BACKGROUND

Land additional to existing road reserves is commonly required in order to construct roads and drainage to meet current standards, to achieve required level of service outcomes, or to address road safety issues.

Land tenure within Western Australia includes freehold (fee simple) and Crown land. While land may be held in fee simple, legislation provides the Crown and authorised public authorities with the power to acquire land for approved public purposes, either through negotiated agreement or, where necessary, through compulsory acquisition in accordance with relevant legislation.

OBJECTIVE

Where land can be acquired through negotiation, it is preferential that the process is expedient and that officers have the capacity to negotiate within known limits and in good faith. Officers have delegated authority to negotiate within approved limits in order to facilitate the timely delivery of public works

AREA OF APPLICATION

Any land required for a Public Work as defined in the *Land Administration Act 1997*, the *Public Works Act 1902*, the *Local Government Act 1995* and the *Main Roads Act 1930*.

POLICY MEASURES

The Chief Executive Officer, or their delegate, has delegated authority to acquire private land, by negotiation, for the realignment of road reserves and associated public works.

The Chief Executive Officer, or their delegate, may make an offer to acquire land for the value of the land, as determined by the Valuer General's Office, plus 10%.

The Chief Executive Officer, or their delegate, may provide works in lieu of cash, or where approved by State Land Services, may facilitate a land exchange with a portion of surplus or existing un-necessary road reserve.

Where, as part of the land acquisition process, works are required to complete or reinstate fencing, fill drains, extend or modify crossovers, undertake tree planting or landscaping, or carry out any other associated works, and where those works result in an increase in the service life of an existing asset, the creation of new infrastructure, or an enhancement of the property that is not a direct or unavoidable consequence of the land acquisition or proposed public works, the value of those works shall be included in the calculation of the total offer value for the land.

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