



9. **TECHNICAL SERVICES POLICIES**
9.1 **TECHNICAL SERVICES**
9.1.2 **Land Resumption**

Background & Issues

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. Essentially all land is owned by the Crown, with the Crown still being the ultimate owner even in the case of fee simple land (green title). As such, the Crown is empowered to acquire land, through negotiation or compulsory acquisition, from land owners.

Objectives

Where land can be acquired through negotiation, it is preferential that the process is expedient and that officers have the capacity to negotiated within known limits and in good faith.

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 his delegate, has delegated authority to acquire private land, by negotiation, for the realignment of road reserves.

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

Where, as part of the land acquisition, works are required to complete fencing, to fill drains, to extend crossovers, to plant trees or any other works, to the extent that these works result in an increase life of an existing asset, new infrastructure, or an enhancement of the property, that is not otherwise a direct result of the land acquisition or proposed works, the value of these works shall be included in the calculation of the total offer for the land.

Administration

Responsibility for implementing this policy is delegated to the Manager Technical Services.



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Adoption and Date Due for Revision

ADOPTED 25 JULY 2002
REVIEWED 26 MAY 2022

NEXT DUE FOR REVIEW MAY 2026

The Administration of this Policy is by the Works & Services Directorate