

# Capability Statement Land Compensation



COMPULSORY TAKING  
INJURIOUS AFFECTION



GLEN McLEOD LEGAL

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# COMPULSORY TAKING

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Glen McLeod Legal can help you obtain fair and just compensation if you are affected by a compulsory taking of land by a public authority. We can represent you at all stages of the compulsory taking process, from negotiations with the taking authority, preparing and making a compensation claim and acting for you in court proceedings, should that become necessary.

We have a strong network of experts that we work with to help support your claim. We can identify and instruct experienced experts such as valuers, planners, business loss and environmental consultants.

We can also advise you on the compensation you may be entitled to if your business has been affected by a land taking or if it will suffer ongoing impacts as a result of the construction of public works.

*We advise and represent clients who are affected by government projects that require the compulsory taking of land or cause injurious affection to land. We help clients obtain fair and just compensation through arbitration, court proceedings or alternative dispute resolution.*

- Successfully represented a publicly listed company and major food manufacturing business in compensation proceedings against Main Roads and the Western Australian Planning Commission for the part taking of land for road works. The case involved complex valuation issues concerning special value and business disruption.
- Acted for a major car dealership business in State Administrative Tribunal proceedings against Main Roads to determine the compensation payable for the taking of land for road works. This included advising on the content of the compensation claim and expert evidence required to support the claim.
- Advised on the compulsory taking of land used for recreation purposes, specifically the valuation evidence and steps required to advance the compensation claim.
- Assisted a group of residents affected by the taking of land for public purposes identified in a structure plan, including in the valuation process and liaising with government authorities.
- Represented a private landowner in State Administrative Tribunal proceedings for the compulsory taking of a property for public works and negotiated a settlement prior to the final hearing.
- Represented a private landowner in Supreme Court proceedings against the Water Corporation in respect of the taking of land for public works.
- Provided advice to a company in respect of its land which was at risk of being compulsorily acquired due to planned public works and making representations to the State Government in relation to the impacts of the proposed works and the potential compensation payable.
- Advised a local government on the applicable procedures under the *Land Administration Act 1997* (WA) following the issuance of a taking order.

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# INJURIOUS AFFECTION

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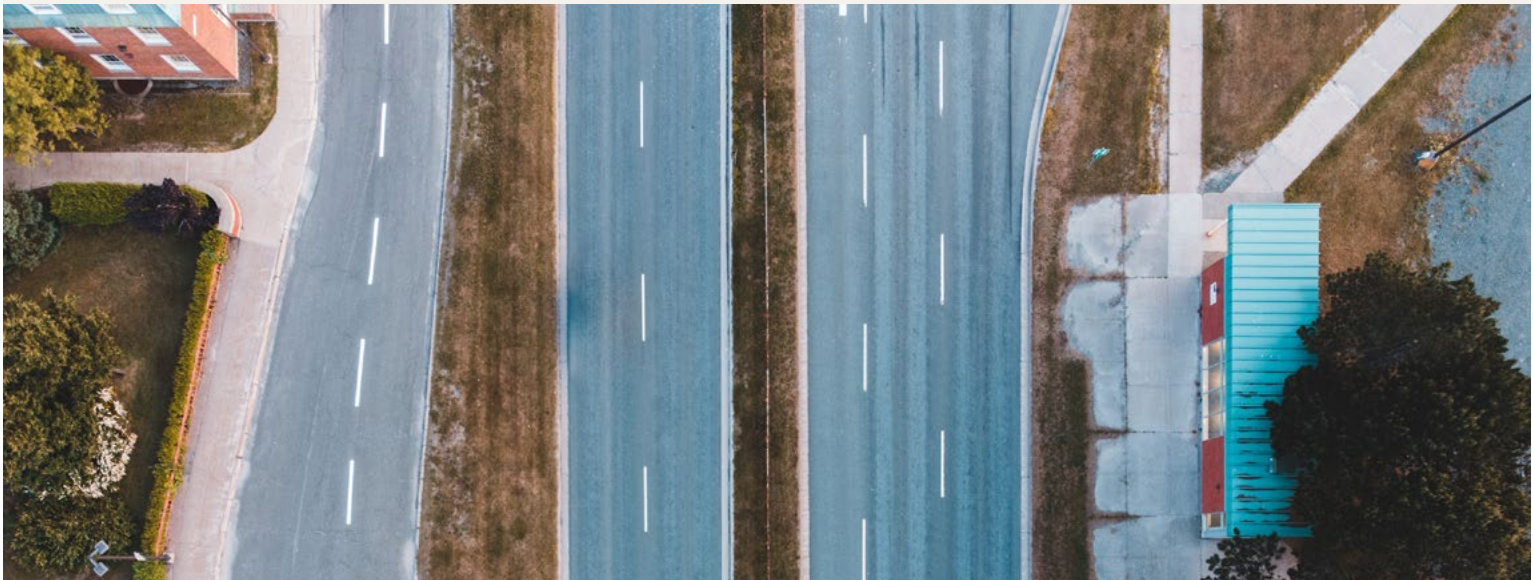
We have acted in major injurious affection arbitration and legal proceedings in Western Australia and are at the forefront of advising clients on the complex issues that arise due to the reservation of land for public purposes.

We can assist you if all or part of your land has been identified or reserved for Primary Regional Roads, Bush Forever, Planning Control Area, Parks and Recreation or any other public purpose.

- Acted for landowners against the Western Australian Planning Commission in commercial arbitration proceedings concerning the amount of compensation payable for the reservation of land for its environmental quality.
- Advised numerous clients on the potential right to claim compensation for injurious affection, including advice and recommendations on how to make a claim and negotiate an early settlement.
- Acted for a company against the State Government in relation to a compensation claim for the reservation of land for a highway and its identification as Bush Forever land. This included representing the company in a two-week trial under the

*Commercial Arbitration Act 2012* and subsequent appeal of arbitration award to the Supreme Court of Western Australia. We negotiated a settlement before the decision was handed down.

- Advised a company on a strategic approach to the development of its land in light of the reservation of part of its property for road widening, including whether or not to trigger a claim for compensation.
- Advised a company on the potential reservation of its property for education purposes under a redevelopment scheme and liaising with the State Government which resulted in the early payment of compensation.



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