

**Submission to Parliament
under Section 44(1)
of the Land Administration Act 1997**

PROPOSAL

Submission No: 3/2011

Submitted by the Minister for Lands

on of 2011

**SUBMISSION TO PARLIAMENT UNDER SECTION 44(1)(a)
OF THE LAND ADMINISTRATION ACT 1997**

The proposal detailed in this report is required by the above provisions to be laid before each House of Parliament.

Section 43 of the *Land Administration Act 1997* provides as follows:-

43(1) *If, after a proposal is laid before each House of Parliament under Sections 42(4), 44(1) or 45(4) notice of a resolution disallowing the proposal –*

- (a) *is not given in either House of Parliament within 14 sitting days of that House after the proposal was laid before it, the proposed reduction, excision, cancellation, change, grant or permission may be implemented by order after the last day of the later of those periods of 14 sitting days;*
 - (b) *is given in either or both of the Houses of Parliament within 14 sitting days of that House, or each of those Houses, after the proposal was laid before it, but that resolution is not lost in that House or each of those Houses within 30 sitting days after the proposal was laid before it, the proposed reduction, excision, cancellation, change, grant or permission lapses; or*
 - (c) *is given in either or both of the Houses of Parliament within 14 sitting days of that House, or each of those Houses, after the proposal was laid before it, but that resolution is lost in that House or each of those Houses within 30 sitting days after the proposal was laid before it, the proposed reduction, excision, cancellation, change, grant or permission may be implemented by order after that loss or after the later of those losses, as the case requires.*
- (2) *It does not matter whether or not a number of sitting days referred to in subsection (1) or some of them occur during –*
- (a) *the same session of Parliament; or*
 - (b) *the same Parliament,*

as that in which the relevant proposal is laid before the House of Parliament concerned.

The proposal set out in this report is accordingly tabled in this House on this..... day of2011.



HON BRENDON GRYLLES, MLA
Minister for Lands
(or his representative in the Legislative Council)

GRANT OF AN EASEMENT TO THE WATER CORPORATION TO PROTECT A WATER MAIN SITUATED IN CLASS A RESERVE 20957, PURSUANT TO SECTION 144 OF THE LAND ADMINISTRATION ACT 1997 (LAA)

Class A Reserve 20957, more commonly known as 'Frank Drago Reserve', is set aside for the purpose of "Recreation" with management in favour of the City of Bayswater.

The proposal is to grant an easement over the subject land, in favour of the Water Corporation, under section 144 of the LAA.


Deposited Plan 64186 has been prepared for the purpose of registering an easement against the reserve land. A copy of Deposited Plan 64186 is at Annexure 1. All other statutory requirements to facilitate the grant and registration of the easement have been complied with.

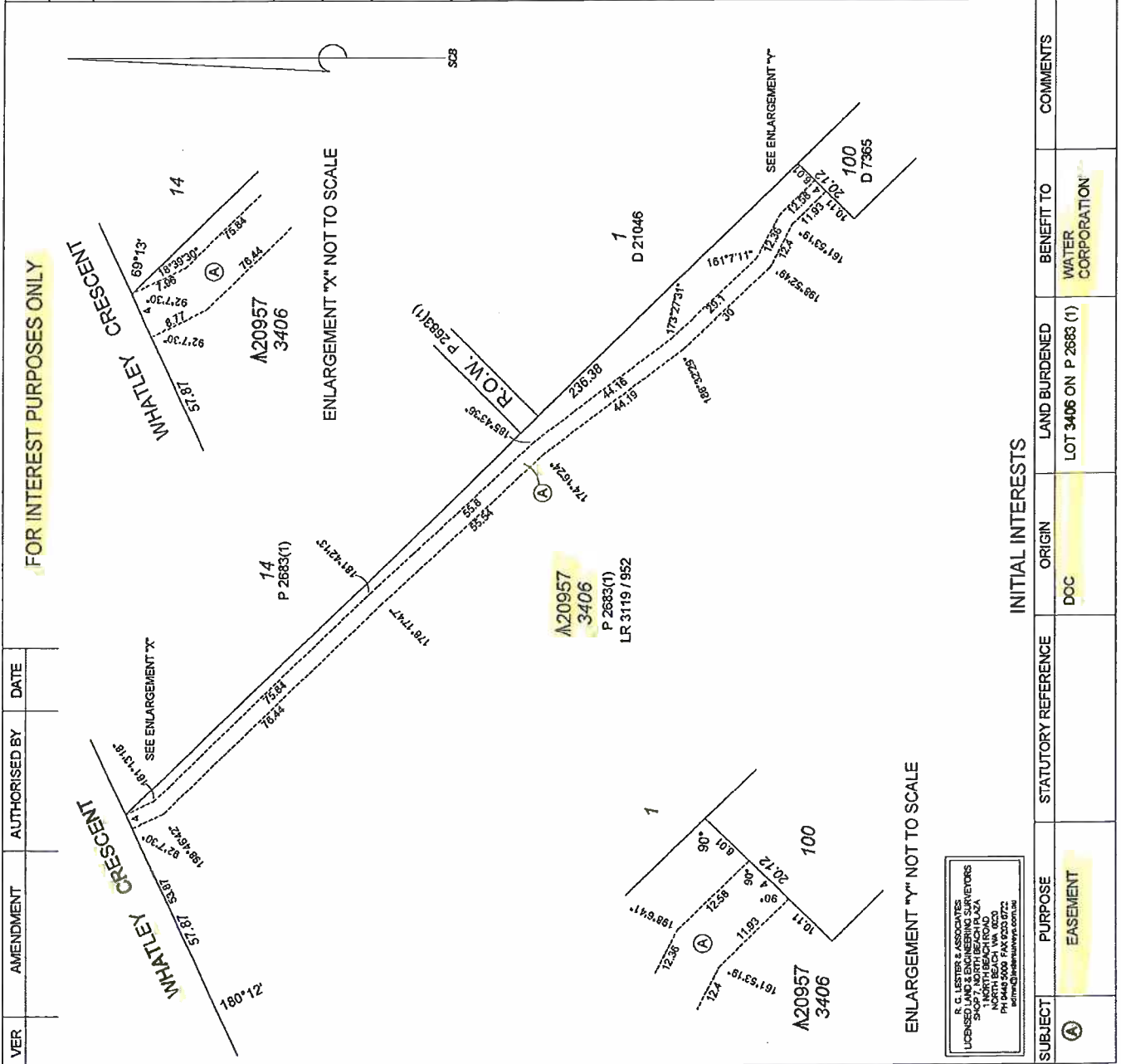
In accordance with section 44(2) of the LAA, the proposal was advertised in The West Australian newspaper on 14 July 2010. By the end of the thirty (30) day period for receipt of comments from the public, no comments or objections were received. A copy of the advertisement is at Annexure 2.

As the reserve has Class A status, it is necessary to have the proposal to grant the easement tabled in both Houses of Parliament, under section 44(1)(a) of the LAA.

**ELECTORAL DISTRICT OF MAYLANDS
EAST METROPOLITAN REGION
CITY OF BAYSWATER**

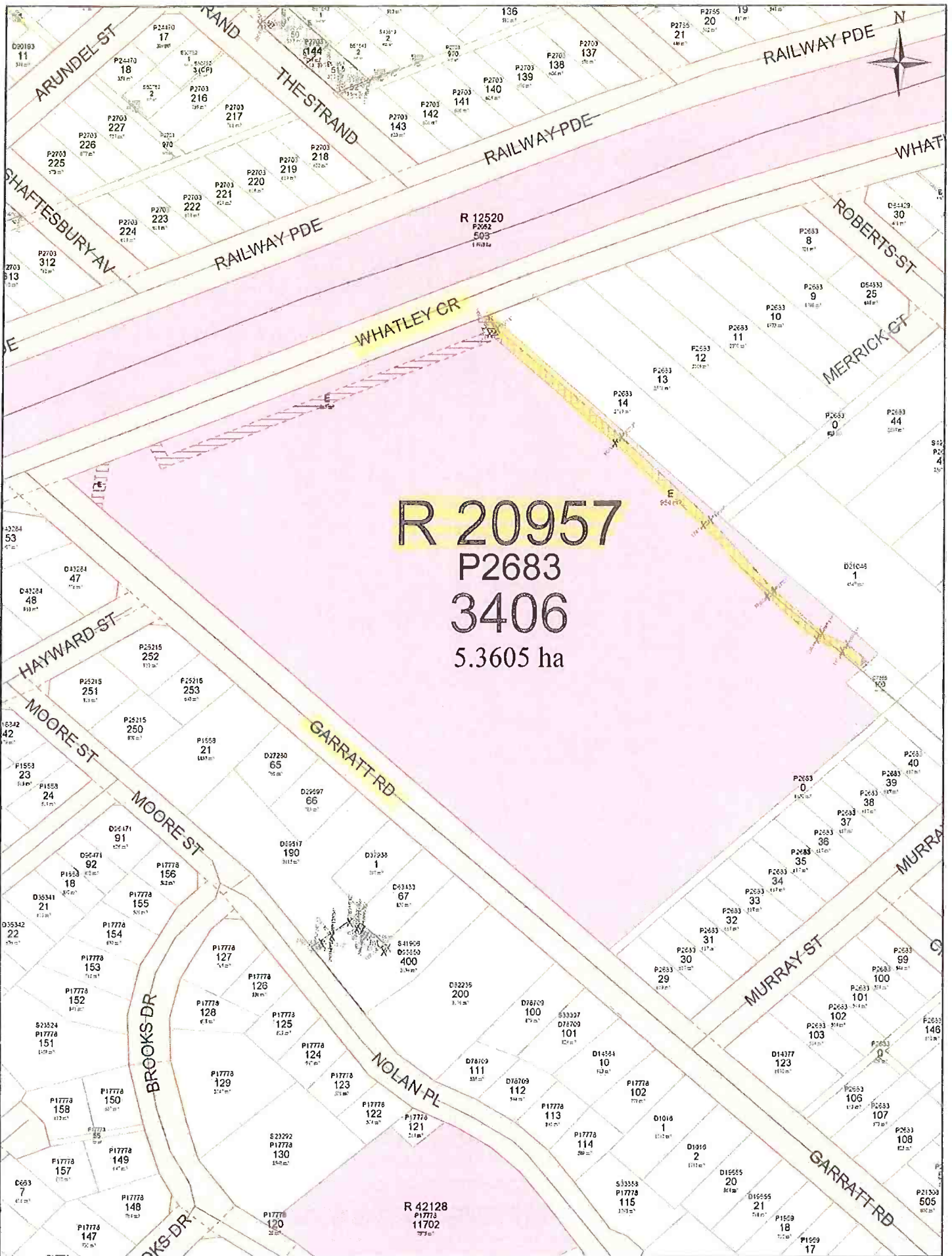
ANNEXURE 1

TYPE	CROWN
PURPOSE	INTEREST
EASEMENT AND/OR OTHER INTERESTS OVER LOT 3406 ON P 2683 (1)	
DISTRICT	SWAN
TOWNSITE	FILE
LOCAL AUTHORITY	CITY OF BAYSWATER
LOCALITY	BAYSWATER
FORMER TENURE	ON
INDEX	..BG.34 (2) 16.28
FIELD BOOK	
SSA NO	
SCALE: 1:1000 at A3 ALL DISTANCES ARE IN METRES	
SURVEYOR'S CERTIFICATE - Reg 54 RICHARD LESTER I hereby certify that this plan is accurate and in accordance with the provisions of the: (a) Survey and Mapping Act 1984; (b) Survey and Mapping Regulations 1984; (c) calculations from measurements; (d) data from a total station; (e) data from a total station; (f) data from a total station; (g) data from a total station; (h) data from a total station; (i) data from a total station; (j) data from a total station; (k) data from a total station; (l) data from a total station; (m) data from a total station; (n) data from a total station; (o) data from a total station; (p) data from a total station; (q) data from a total station; (r) data from a total station; (s) data from a total station; (t) data from a total station; (u) data from a total station; (v) data from a total station; (w) data from a total station; (x) data from a total station; (y) data from a total station; (z) data from a total station; Richard Lester 2008 11 17 16:36:44 +0800 Licensed Surveyor	
SURVEYOR'S CERTIFICATE - Completed	
LOGGED	DATE
18-Nov-09	18-Nov-09
FEE PAID	DOCKET
\$204.00	856-2006/13
ASSESS No.	CERTIFIED CORRECT
6132067	26-Nov-2009
	I.S.C.
	F.S.C.
IN ORDER FOR DEALINGS	
SUBJECT TO	
- Nil	
SURVEY FIRM	
R.G. LESTER & ASSOCIATES	
APPROVED BY	
WESTERN AUSTRALIAN PLANNING COMMISSION	
FILE	
Delegated Under s. 18 P & D Act 2005	
Date	
 Landgate Western Australian Land Information Authority	
DEPOSITED PLAN	
64186	
SHEET 1 OF 1	
VERSION 1.1	



VER	AMENDMENT	AUTHORISED BY	DATE	SUBJECT	PURPOSE	STATUTORY REFERENCE	ORIGIN	LAND BURDENED	BENEFIT TO	COMMENTS
				A	EASEMENT		DOC	LOT 3406 ON P 2683 (1)	WATER CORPORATION	

R. G. LESTER & ASSOCIATES
 LICENSED LAND & ENGINEERING SURVEYORS
 5/4 NORTH BEACH ROAD
 NORTH BEACH, WA 0023
 PH (08) 9400 4320/4322
 FAX (08) 9400 4321



R 20957
P2683
3406
 5.3605 ha

Scale : 1:2000 (Geographical)
 MGA : SW=396409.4E,6467403.9N Zone 50 / NE=396806.1E,6468024.2N Zone 50
 Lat/Long : 115°54'15.158", -31°55'28.366" / 115°54'30.503", -31°55'08.353" H 263mm by W 202mm

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ANNEXURE 2



Government of Western Australia
Department of Regional Development and Lands

NOTICE OF INTENTION TO GRANT AN EASEMENT OVER PORTION OF CLASS "A" RESERVE 20957
Land Administration Act 1997

I, Brendon John Grylls, MLA, Minister for Lands, hereby give notice in accordance with the provisions of Section 44(1)(a) of the *Land Administration Act 1997*, that I intend to grant an easement in favour of the Water Corporation over portion of "A" Reserve 20957, set apart for "Recreation", which is situated in the City of Bayswater.

The easement is required for protection of a water main, as shown on Deposited Plan 64186, and comprises an area of 954 square metres accordingly, as shown on the said plan. You have 30 days to make a submission.

For additional information please contact Neville Watson at the Department of Regional Development and Lands, telephone (08) 9347 5103.

HON BRENDON GRYLLS MLA
MINISTER FOR LANDS

NOTICE OF INTENTION

To Take Interests in Land to Confer Interests under Written Law
LAND ADMINISTRATION ACT 1997
NATIVE TITLE ACT 1993 (CTH)
(Section 24MD (6A) & (6B))

I, the Honourable Brendon John Grylls MLA, Minister for Lands HEREBY GIVE NOTICE in accordance with Section 170 of the *Land Administration Act 1997* (LAA) and Section 24MD(6A) of the Native Title Act 1993 (as amended) (NTA) that it is proposed to take those interests specified in respect of each parcel of land described under each heading of PARCEL OF LAND for the purposes specified in respect of that land.

AND for and on behalf of the State of Western Australia HEREBY GIVE NOTICE in accordance with Section 24MD(6B) of the NTA that any native title rights and interests in respect of each parcel of land described under each heading PARCEL OF LAND are to be compulsorily acquired for the purposes specified in respect of that land.

It is proposed to grant the estates, interests and rights specified below in respect of each parcel of land as authorised by Order(s) issued under Section 165 of the LAA.

LAND DESCRIPTION: Whole Lot 65 on Deposited Plan 215037 Volume 3008 Folio 481 Area: 2063 square metres
PLAN/DIAGRAM: Deposited Plan 215037 **LAND SITUATED IN:** Shire of Derby-West Kimberley
NATURE OF INTERESTS TO BE TAKEN: All registered and unregistered interests (including any native title rights and interests) in the land under the heading "Description of Land" other than interests of the Crown
PURPOSE OF PROPOSED GRANT FOR WHICH THE LAND IS PROPOSED TO BE DESIGNATED: Lease
PROPOSED DISPOSITION/GRANT: The land will be leased for Light Industry
REASON WHY THE LAND IS SUITABLE FOR, OR IS NEEDED FOR, THE PROPOSED GRANT: The land has been identified as suitable for the above purpose. **DATE FROM WHICH LAND IS LIKELY TO BE REQUIRED:** 1 December 2011 **FILE:** 00460-2009/1 **REF:** 091995

FOR ALL PARCELS OF LAND:

PLAN OF LAND TO BE TAKEN MAY BE INSPECTED AT: Department of Regional Development and Lands, Midland Square, Midland, 6056.

FOR FURTHER INFORMATION CONTACT: Jeanne Baker, State Land Services, Department of Regional Development and Lands, PO Box 1575, Midland WA 6936 or by telephone (08) 9347 5151.

OBJECTIONS IN WRITING MAY BE LODGED: Persons having or claiming any interests in any parcel of land specified above may, under Section 175 of the LAA, lodge an objection in writing to the proposed taking with the Department of Regional Development and Lands, PO Box 1575, Midland 6936 or 1 Midland Square, Midland no later than 10 September 2010.

Native title parties: Any registered native title claimant or registered native title body corporate may object in accordance with Section 24MD(6B)(c) of the NTA to the doing of the act, within 2 months after the notification, so far as it affects their registered native title rights and interests. The 2 month period closes on 10 September 2010. Under Section 175 of the LAA, an objection in writing is to be lodged with the Department of Regional Development and Lands, PO Box 1575, Midland 6936 or 1 Midland Square, Midland.

MINISTER'S CONSENT TO TRANSACTIONS AFFECTING AND IMPROVEMENTS TO THE LAND: A person may not enter into a transaction in relation to the above land without obtaining the prior consent in writing of the Minister for Lands,

FOR ALL PARCELS OF LAND:

PLAN OF LAND TO BE TAKEN MAY BE INSPECTED AT: Department of Regional Development and Lands, Midland Square, Midland, 6056.

FOR FURTHER INFORMATION CONTACT: Dave Foster, Senior Project Officer, State Land Services, Department of Regional Development and Lands, PO Box 1575, Midland WA 6936 or by telephone (08)9347 5055.

OBJECTIONS IN WRITING MAY BE LODGED: Persons having or claiming any interests in any parcel of land specified above may, under Section 175 of the LAA, lodge an objection in writing to the proposed taking with the Department of Regional Development and Lands, PO Box 1575, Midland 6936 or 1 Midland Square, Midland no later than 14 September 2010.

Native title parties: Any registered native title claimant or registered native title body corporate may object in accordance with Section 24MD(6B)(c) of the NTA to the doing of the act, within 2 months after the notification, so far as it affects their registered native title rights and interests. The 2 month period closes on 14 September 2010. Under Section 175 of the LAA, an objection in writing is to be lodged with the Department of Regional Development and Lands, PO Box 1575, Midland 6936 or 1 Midland Square, Midland.

MINISTER'S CONSENT TO TRANSACTIONS AFFECTING AND IMPROVEMENTS TO THE LAND: A person may not enter into a transaction in relation to the above land without obtaining the prior consent in writing of the Minister for Lands, except as provided in Section 172(7) of the LAA. Any transaction entered into without prior consent is void in accordance with Section 172(3) of the LAA. An application for consent must be in accordance with Section 172(5) of the LAA.

Under Section 173 of the LAA, a person must not cause the building or making of any improvement to the land to be commenced or continued except with the approval in writing of the Minister for Lands.

NATURE OF THE ACT: In respect of each parcel of land described, is the compulsory acquisition of the interests in the land including any native title rights and interests to grant estates, interests, rights, powers or privileges in, over, or in relation to that land under written law for the purpose specified and ancillary and incidental purposes. Dated 29 June 2010.

DIRECTOR GENERAL
DEPARTMENT OF REGIONAL DEVELOPMENT AND LANDS
for and on behalf of the Minister for Lands, under delegation

NOTICE OF INTENTION
To Take Interests in Land for a Public Work
LAND ADMINISTRATION ACT 1997
NATIVE TITLE ACT 1993 (CTH)

I, the Honourable Brendon John Grylls MLA, Minister for Lands hereby give notice in accordance with section 170 of the *Land Administration Act 1997* (LAA) and Section 24MD(6A) and (7) of the Native Title Act 1993 (as amended) (NTA) that it is proposed to take those interests specified in respect of each parcel of land described in the Schedule for the purposes specified.

SCHEDULE

PARCEL OF LAND:

LAND DESCRIPTION: 1. Whole Lot 34 on Deposited Plan 222342, being unallocated Crown land, Volume 3135 Folio 317 Area: 2026 square metres; 2. Whole Lot 98 on Deposited Plan 222342, being unallocated Crown land, Volume 3135 Folio 318 Area: 2028 square metres; 3. Whole Lot 11 on Deposited Plan 222342, being unallocated Crown land, Volume 3032 Folio 254 Area: 4936 square metres; 4. Whole Lot 129 on Deposited Plan 222344, being unallocated Crown land, Volume 3032 Folio 217 Area: 8089 square metres; 5. Whole Lot 416 on Deposited Plan 187174, being unallocated Crown land, Volume 3080 Folio 870 Area: 4166 square metres; 6. Whole Lot 417 on Deposited Plan 187174, being unallocated Crown land, Volume 3090 Folio 869 Area: 4098 square metres; 7. Whole Lot 60 on Deposited Plan 222342, being unallocated Crown land, Volume 3032 Folio 272 Area: 8095 square metres; 7. Whole Lot 60 on Deposited Plan 222342, being unallocated Crown land, Volume 3032 Folio 272 Area: 8095 square metres.

PLAN/DIAGRAM: Deposited Plans 222342, 222344 and 187174.

LAND SITUATED IN: Shire of Cuballing.

NATURE OF INTERESTS TO BE TAKEN: All registered and unregistered rights and interests (including any native title rights and interests) in the land under the heading "Land Description" other than interests of the Crown.

PURPOSE OF PUBLIC WORK FOR WHICH THE LAND IS PROPOSED TO BE DESIGNATED: Residential.
REASON WHY THE LAND IS SUITABLE FOR, OR IS NEEDED FOR, THE PUBLIC WORK: The townsite of Cuballing presently has no serviced residential land available to enable expansion of the townsite and the provision of social and economic development within the region. These lots have been identified by the Shire as being suitable for this purpose.

DATE FROM WHICH LAND IS LIKELY TO BE REQUIRED: 1 October 2010