

**Submission to Parliament
under Section 42(4)
of the *Land Administration Act 1997***

PROPOSAL

Submission No: 1/2012

Submitted by the Minister for Lands

on of 20

(day) (month) (year)

**SUBMISSION TO PARLIAMENT
UNDER SECTIONS 42(4), 44(1) OR 45(4)
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 of2012



**HON BRENDON GRYLLES MLA
MINISTER FOR LANDS
(or his representative in the Legislative Council)**

EXCISION FROM CLASS A RESERVE 41545 UNDER SECTION 42 (4) OF THE LAND ADMINISTRATION ACT 1997 (LAA)

Class A Reserve 41545 is set aside for the purpose of 'Recreation' and managed by the Shire of Augusta-Margaret River (Shire) with power to lease.

Gnarabup Kiosk, which also encompasses toilets and a storeroom, was constructed on portion of the reserve by the Shire in 1988 (and subsequently improved at Shire cost), is leased to a third party. The current lessee wishes to improve the site; proposing staged development including provision of an enclosed eatery to accommodate all year round use and development of a café/restaurant/kiosk facility. The public and local community has provided strong support for the development of a restaurant at the site, provided any development has a kiosk facility attached to it.

Given the commercial nature of this proposal it is proposed to excise the portion of the reserve containing the Gnarabup Kiosk and issue a lease to the Shire. The Shire will enter into a sub-lease arrangement with the operator on a fully commercial basis and any funds generated from the sub-lease are to be used for foreshore and reserve management.

The area to be excised from Reserve 41545 is 1991 square metres (please refer to the plan at Annexure 1). Reserve 41545 will now be reduced to 116.492 hectares.

The proposal was published in *The West Australian* newspaper in accordance with section 42(5) of the LAA. At conclusion of the 30 day period for comments/objections, no submissions were received

As Reserve 41545 has Class A Status, it is necessary to obtain the approval of both Houses of Parliament for the excision.

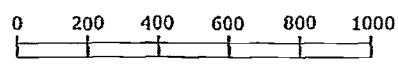
**ELECTORAL DISTRICT OF BLACKWOOD-STIRLING
SOUTH WEST REGION
SHIRE OF AUGUSTA-MARGARET RIVER**

ANNEXURE 1



PROPOSED EXCISION FROM CLASS A RESERVE 41545 GNARABUP KIOSK LEASE SITE

FILE : 2957/1989 V2



SCALE - @A4 = 1:20000

