

**Submission to Parliament
under Section 45(4)
of the *Land Administration Act 1997***

PROPOSAL

Submission No: 2 /2012

**Submitted by the
Minister for Lands**

on of 2012
(day) (month) (year)

**SUBMISSION TO PARLIAMENT
UNDER SECTIONS 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 –*

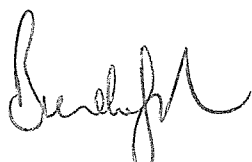
- (a) *is not given in either House of Parliament within 14 sitting days of that House after the proposal was laid before it, the proposed reduction, excision, cancellation, change, grant or permission may be implemented by order after the last day of the later of those periods of 14 sitting days;*
- (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 GRYLLS MLA
MINISTER FOR LANDS
(or his representative in the Legislative Council)

EXCISION FROM CLASS 'A' RESERVE 43690 UNDER SECTION 45 (4) OF THE LAND ADMINISTRATION ACT 1997 (LAA)

It is intended to excise land from Class 'A' Reserve 43690 for road purposes.

Class 'A' Reserve 43690 is set apart for the purpose of 'Conservation Park' and is vested in the Conservation Commission of Western Australia pursuant to Section 7 of the *Conservation and Land Management Act 1984*.

The City of Mandurah (City) undertook a 'Bridge to Bridge' study and wishes to proceed with one of the recommendation for Glendart Court to link up with Dampier Avenue through part of Reserve 43690.

To facilitate this, the portion of Reserve 43690 coloured blue in Annexure 1 needs to be excised and dedicated as a public road. A sketch showing the position of the land within the reserve is at Annexure 2.

The Department of Environment and Conservation and the Minister for Environment support the proposal. Refer to Annexure 3.

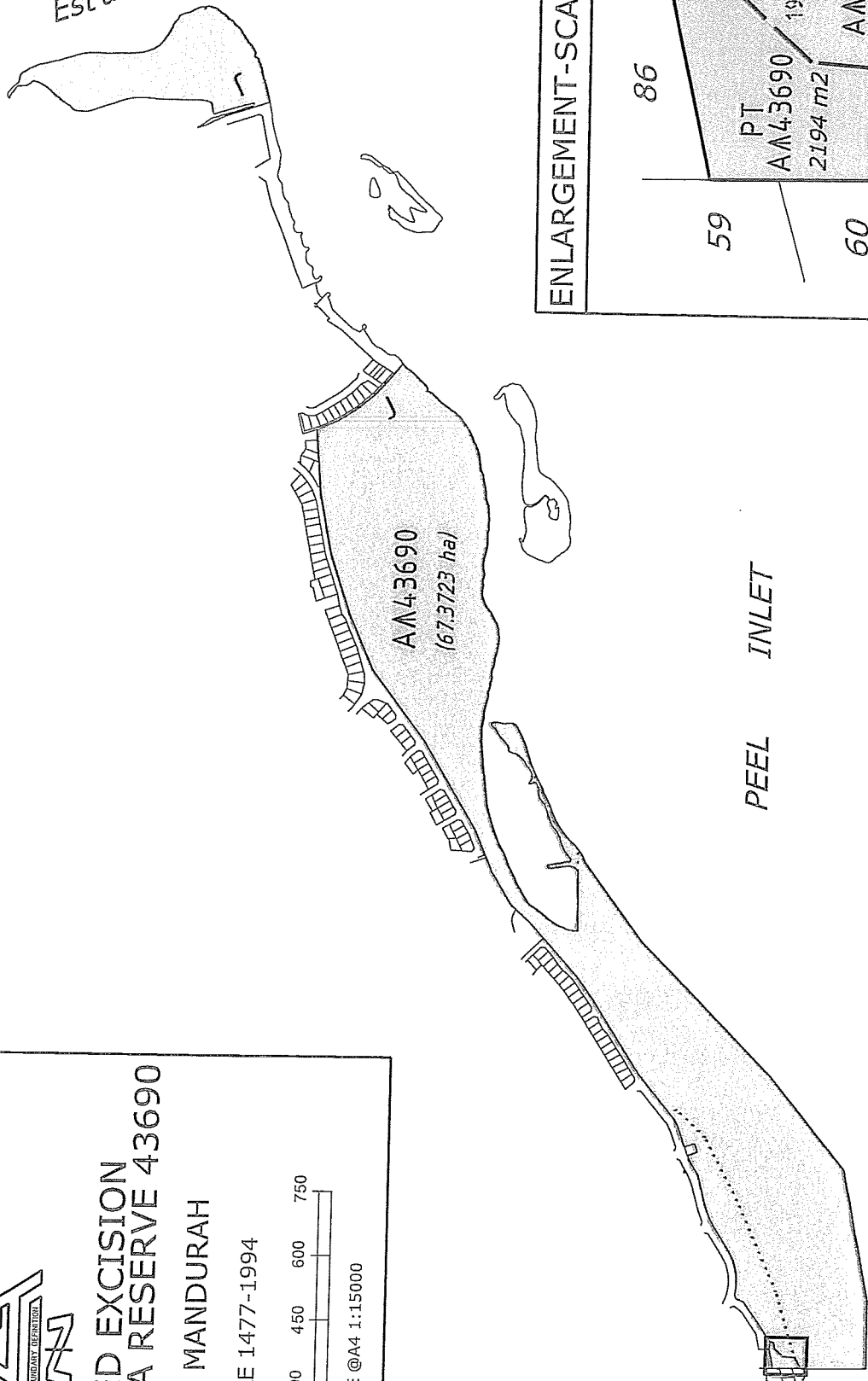
A copy of the City's request is at Annexure 4.

The proposal to excise land from a Class 'A' reserve for road dedication purposes is required to be tabled in both Houses of Parliament pursuant to Section 45(4) of the LAA. The proposal has been advertised for the required 30 day period. No comments or objections were received during this period.

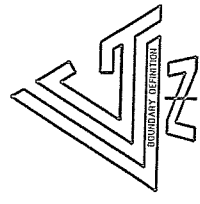
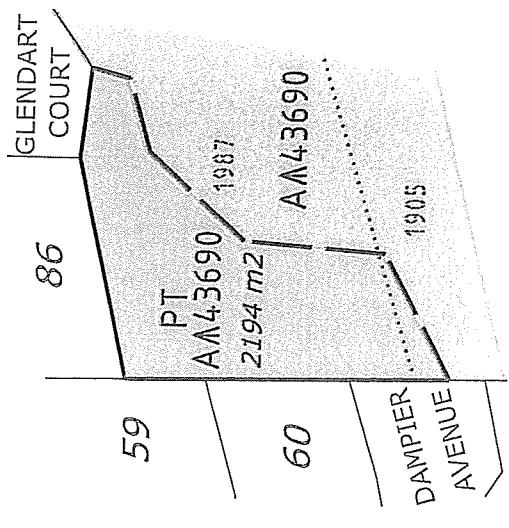
**ELECTORAL DISTRICT OF DAWESVILLE
SOUTH WEST REGION
CITY OF MANDURAH**

ANNEXURE 1

Mandurah Estuary

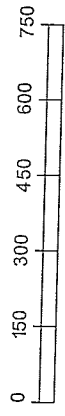


ENLARGEMENT-SCALE 1:1500



**PROPOSED EXCISION
FROM CLASS A RESERVE 43690
CITY OF MANDURAH**

RDL FILE 1477-1994



SCALE @A4 1:15000

SEE ENLARGEMENT

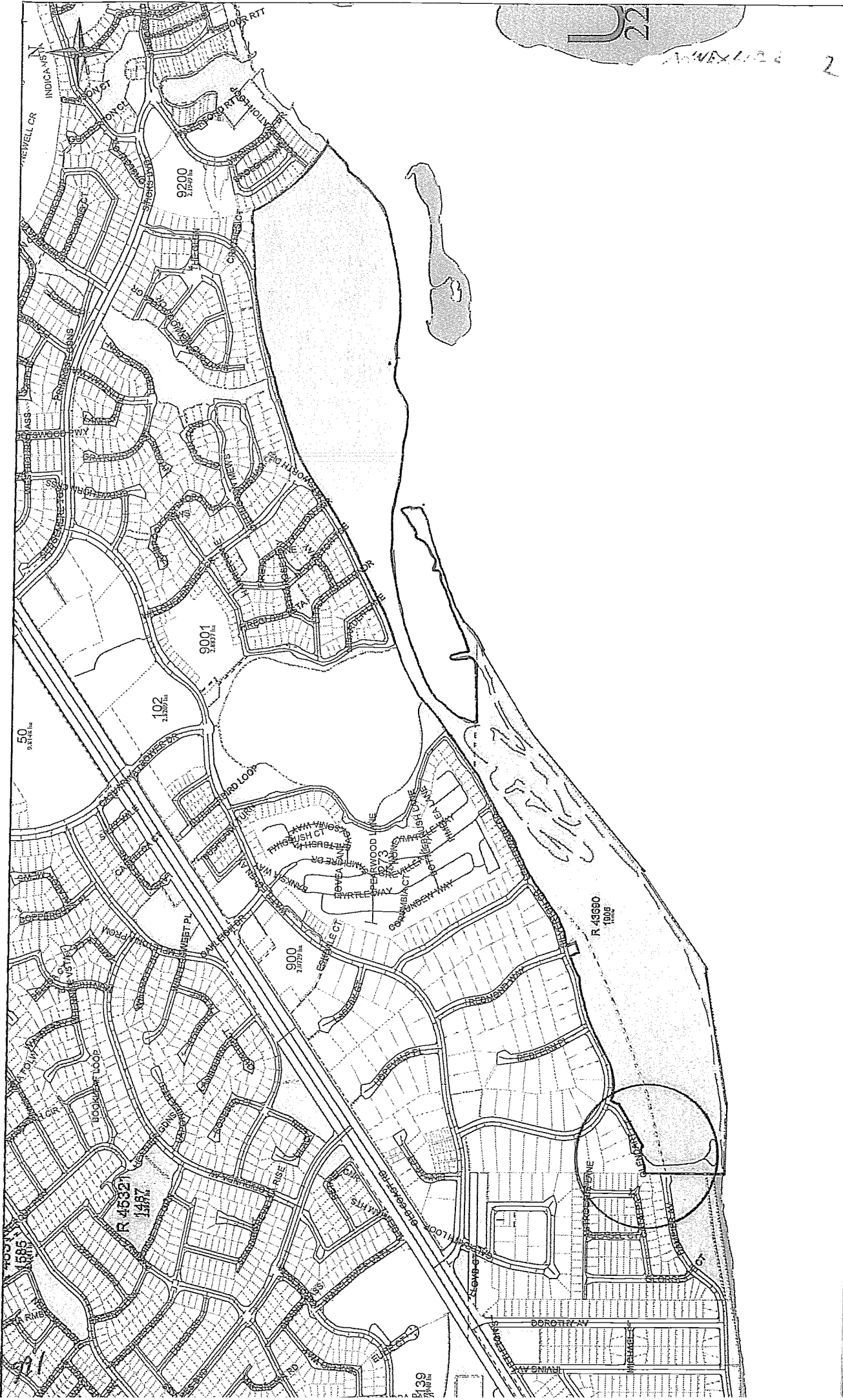


Landgate

WESTERN AUSTRALIAN LAND INFORMATION AUTHORITY

REF F:\MSFILES\Group1\Sketches\Parliament\R43690.dgn
DRAWN PWK 22/6/2011

ANNEXURE 2



Scale : 1:11025 (Geographical)
 MGA : S1 917.3E, 6395072.2N Zone 50 / NE=379068.8E, 6397400.1N Zone 50
 Lat/Long : 115°41.054", -32°34'29.482" / 115°42'42.974", -32°33'15.156" H 176mm by W 288mm

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Printed : 13:14 Fri 15/Jul/2011
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ANNEXURE 3



Government of Western Australia
Department of Environment and Conservation

ANNEXURE

3

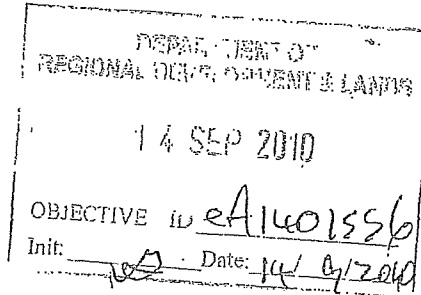
13

13

Your ref:
Our ref: 2010/003766-1
Enquiries: Rebecca Hayes
Phone: (08) 9219 8772
Fax: (08) 9334 0556
Email: rebecca.hayes@dec.wa.gov.au

1477/994

Regional Manager
South West Region State Land Services
Department of Regional Development and Lands
PO Box 1575
MIDLAND WA 6936



Dear Mr Crow

EXCISION FROM LEN HOWARD CONSERVATION PARK (CLASS A, RESERVE NO. 43690), CITY OF MANDURAH

The Department of Environment and Conservation (DEC) received a request from the City of Mandurah to excise 0.195 hectares from Len Howard Conservation Park for the construction of road to connect Dampier Avenue and Glendart Court in Erskine on 18 May 2009.

The proposed excision (see attached map) will consist of the area of land required for the new road and the small triangle of land to the north-west of this alignment which will be isolated as a result of the road connection.

The Acting Director of the Conservation Commission of Western Australia endorsed the excision of 0.195 hectares from Len Howard Conservation Park on 14 June 2010. Following this, DEC sought the consent of the Environment Minister who approved the excision on 7 July 2010 in accordance with Section 45 of the *Land Administration Act 1997* (LAA).

It would be appreciated if State Land Services could now proceed with the relevant statutory requirements of the LAA for creating an excision over the 0.195 hectares of Len Howard Conservation Park identified in the attached map.

Yours sincerely

R Hayes

for Keiran McNamara
DIRECTOR GENERAL

9 September 2010

Att.

ANNEXURE 4

Enquiries: Louise Reinhardt R-13
Your Ref: (1477-1994-01 (Job No: 103089)
Our Ref: SI 05/70

ANNEXURE

4

178

11 March 2011

Department of Regional Development
and Lands
State Land Services
PO BOX 1575
MIDLAND WA 6936

Attention: Lynda Martin

Dear Lynda

**PROPOSED EXCISION OF PORTION OF RESERVE 43690 KNOWN AS LOTS
1905 AND 1987 (NO 70) SILVERTON CRESCENT ERSKINE FOR ROAD
DEDICATION**

We refer to your letter dated 24 September 2010.

Enclosed is a copy of the Council resolution dated 15 December 2010 requesting the Minister for Lands to approve the dedication of the subject portion of land as road, and indemnify the Department of Regional Development and Lands in accordance with Section 56 of the *Land Administration Act 1997*.

Details of the proposed road and reserve design showing approximate areas are attached so survey instructions can be issued accordingly.

Please continue to progress the matter and advise this office of developments as they occur.

In the meantime, if you require any further information please do not hesitate to email me at louise.reinhardt@mandurah.wa.gov.au or phone 9550 3246.

Yours sincerely



Louise Reinhardt
Land Management Officer
Planning and Land Services

Enc: Council Resolution, Drawings

DEPARTMENT OF REGIONAL DEVELOPMENT & LANDS	
14 MAR 2011	
EO 1437316	
OBJECTIVE ID	
Init: _____	Date: 14/3/11

The report also considers as a 'trial' usage, how the tool and the new process might assist in allocating space in community buildings such as the recently vacated Tuart Avenue building.

Mayor Creevey sought nominations from Councillors interested in being appointed to assess and allocate community accommodation in the Tuart Avenue building and to assess other significant lease allocations. Two nominations were received, being from Councillors Rodgers and Schumacher.

Councillor Wilson moved the Committee recommendation, with the following amendments, which was seconded by Councillor Williams:

- That the Manager Libraries, Learning, Arts and Culture be added to the membership of the assessment panel set out in Clause 3
- That an additional Clause be added, stating 'Receives after a period of 12-months a report on the outcomes / impact of the weighting system'.

MOTION: S Wilson / R Williams

That Council:

- 1 Notes the commencement of the development of the Community Infrastructure Planning Strategy.
- 2 Endorses the Community Association Assessment / Scoring Tool as a guide for decision making when allocating community accommodation space.
- 3 Appoints an assessment panel consisting Mayor Creevey and two Elected Members, Director Community Services, Manager Community Services, Manager Recreation Services, Manager Libraries, Learning, Arts and Culture and Coordinator Land Management Services.
- 4 Nominates Mayor Creevey and Councillors Rodgers and Schumacher to assess and allocate community accommodation in the Tuart Avenue building and to assess other significant lease allocations.
- 5 Approves for advertising purposes the leasing of the Tuart Avenue building to community groups with tenure expiring in June 2015.
- 6 Acknowledges a further report will be presented to Council on the Community Infrastructure Planning Strategy Stage One in early 2011.
- 7 Receives after a period of 12-months a report on the outcomes / impact of the weighting system.

CARRIED UNANIMOUSLY: 12/0

G.33/12/10 ROAD DEDICATION - DAMPIER AVENUE, FALCON TO GLENDART COURT, ERSKINE (CLOSURE OF PORTION OF RESERVE 43690) (BE / LR) (FILE NO SI 05/70) (REPORT 2) (G1.5/12/10)

As part of the 'Bridge to Bridge Study' the City wishes to proceed with one of the recommendations from the Study, which is to link Glendart Court, Erskine through to Dampier Avenue, Falcon.

To facilitate this, portion of Crown Reserve 43690 (No 70) Silverton Crescent Erskine, which is currently under the responsibility and management of the Department of Environment and Conservation needs to be closed.

The Department of Regional Development and Lands has requested the City to proceed with the cancellation of portion of Reserve 43690, and road dedication to allow for the construction of this road linkage. The Department of Regional Development and Lands has advised that the Department of Environment and Conservation has obtained consent from the Minister for Environment with the excision approval being granted on 7 July 2010.

Council was requested to seek approval from the Minister for Lands for the cancellation of portion of Reserve 43690 and dedication of the land as 'road', pursuant to Sections 42 and 56 of the *Land Administration Act 1997 (LAA 1997)*.

MOTION: S Jones / S Wilson

That Council:

- 1 Approves the cancellation of a portion of Reserve 43690 known as Lots 1905 and 1987 (No 70) Silverton Crescent, Erskine pursuant to Section 42 of the *Land Administration Act 1997*, for the purpose of road reserve.
- 2 Pursuant to Section 56 of the *Land Administration Act 1997*:
 - (i) Requests the Minister for Lands to approve the dedication of a portion of Lots 1905 and 1987 (No 70) Silverton Crescent, Erskine, as road reserve.
 - (ii) Indemnifies the Department of Regional Development and Lands against any claims for compensation in respect to the road reserve land.
- 3 Undertakes further public consultation in regard to the road design for the road link between Glendart Court, Erskine and Dampier Avenue, Falcon.

CARRIED UNANIMOUSLY: 12/0
(This item was adopted en bloc)

~~G.34/12/10 APPOINTMENT OF LOCAL EMERGENCY RECOVERY COORDINATOR AND RECOVERY COORDINATION COMMITTEE (JG / RE) (FILE NO A001320) (REPORT 3) (G1.6/12/10)~~

Council was requested to endorse the appointment of a Local Recovery Coordinator and Local Recovery Committee in accordance with section 41(4) of the Emergency Management Act 2005.

The City is subject to a wide variety of hazards that have the potential to cause loss of life, damage and destruction. Given that eliminating all hazards is unrealistic, a systematic approach is required to reduce the likelihood and possible adverse consequences of hazards. Emergency management provides this approach and in doing so endeavours to provide a safer, more sustainable community.

In December 2005 the Emergency Management Act 2005 was published and as a result formalised the emergency management roles, responsibilities and functions throughout the state. Local Government has a number of roles and responsibilities within the Act primarily