

**Submission to Parliament
under section 42(4) & 44(1)
of the *Land Administration Act 1997***

PROPOSAL

Submission No: 07/2021

**Submitted by the
Minister for Lands**

on 27 of APRIL 2022

**SUBMISSION TO PARLIAMENT
UNDER SECTIONS 42(4) & 44(1)
OF THE LAND ADMINISTRATION ACT 1997**

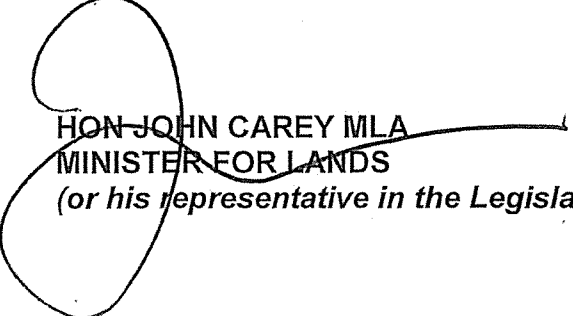
The proposal detailed in this report is required by the above provisions to be laid before each House of Parliament.

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 27 day of APRIL 2022


HON JOHN CAREY MLA
MINISTER FOR LANDS
(or his representative in the Legislative Council)

AMENDMENTS TO CLASS A RESERVE 4156 UNDER SECTION 42(4) & 44(1) OF THE LAND ADMINISTRATION ACT 1997

Class A Reserve 4156 (Reserve) is jointly managed by the City of Albany (City) and the West Australian Museum (WAM) for the purpose of 'Museum and Park' (Attachment 1).

The following amendments to the Reserve are proposed:

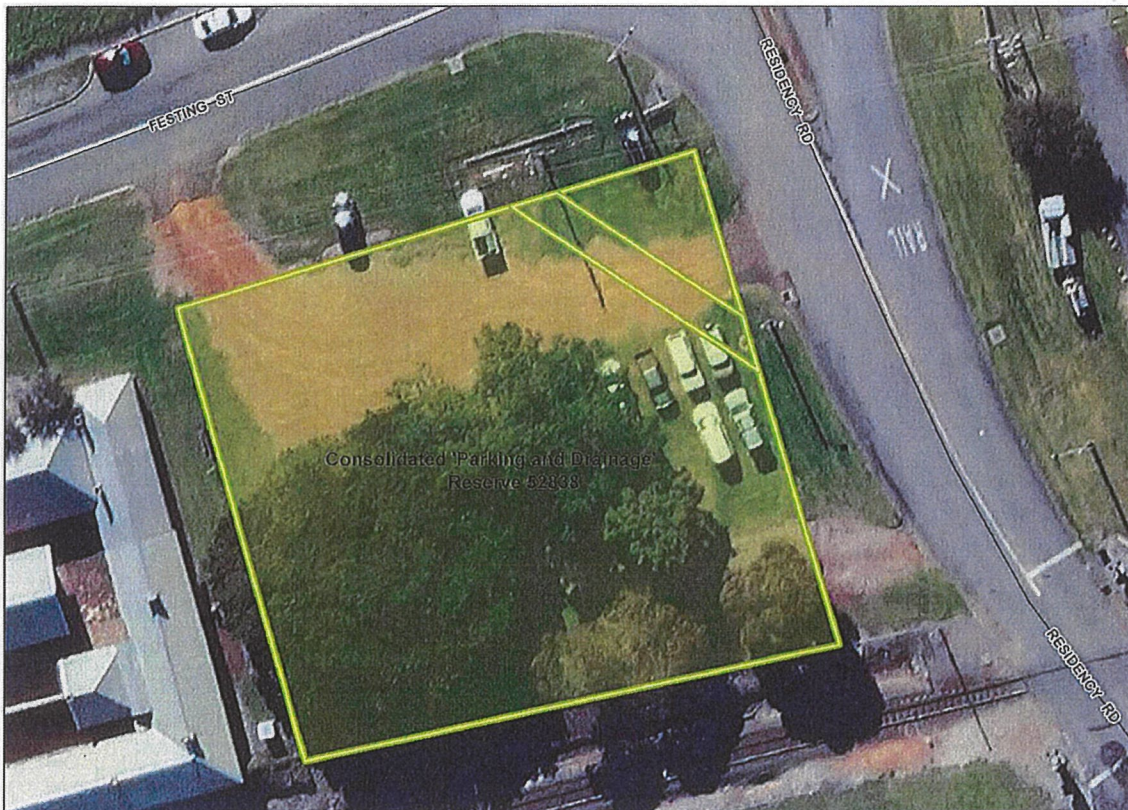
- Excise Lot 875 on Deposited Plan 157632 from the Reserve for inclusion into adjoining Reserve 52838, managed by the City. The current purpose of Reserve 52838 is 'Drainage' and it is proposed to amend the purpose to 'Parking and Drainage' following inclusion of Lot 875 (Attachment 2).
- Excise approximately 1,295 square metres from the Reserve for dedication as road in order to formalise the existing road connecting between Parade Street and Amity Quays. It is also proposed to undertake a road widening at the corner of Residency Road and Princess Royal Drive to improve road safety (Attachment 3).
- Granting a section 144 of the *Land Administration Act 1997* (LAA) easement over a portion of Lot B41 for existing drainage infrastructure and a tidal pond in favour of the City of Albany (Attachment 4).

The City has also agreed to relinquish management over the Reserve so that WAM can be the sole management body. A new management order over the balance of the Reserve will be issued to WAM and the purpose will remain as 'Museum and Park'.

In accordance with section 42(5) of the LAA, the proposal was advertised in The West Australian on 19 August 2021. At the conclusion of the designated period for comments, no objections were received (Attachment 5).

Due to the Class A status of the Reserve, it is necessary to obtain the approval of both Houses of Parliament to amend the Reserve, pursuant to section 42(4) and 44(1) of the LAA.

**ELECTORAL DISTRICT OF ALBANY
SOUTH WEST REGION
CITY OF ALBANY**



Department of Planning,
Lands and Heritage

Legend

Roads

— Minor

Consolidated Parking & Drainage Reserve 52838

Notes:

* The data that appears on the map may be out of date, not intended to be used at the scale displayed, or subject to license agreements. The map should only be used in matters related to Department of Planning, Lands and Heritage business.

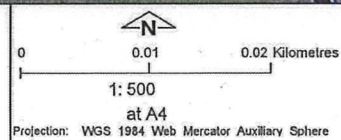
* This map is not intended for measurement purposes.

Map was produced using DPLH's InQuery.

Attachment 2 - Consolidated "Parking & Drainage" Reserve 52838

DPLH BUSINESS USE ONLY

Internal Spatial Viewer



Date produced: 05-Aug-2021

VER.	AMENDMENT	AUTHORISED BY	DATE	SUBJECT	PURPOSE	STATUTORY REFERENCE	OFFICIAL	LAND PAVED	CONV. TO	COMMENTS
						SECTION 144 OF THE LAA	DOC	LOT 503	ECT DOC	

UNSURVEYED BOUNDARY (B) (C) CREATED ON DP 213192

SCALE 1:500 (A2)

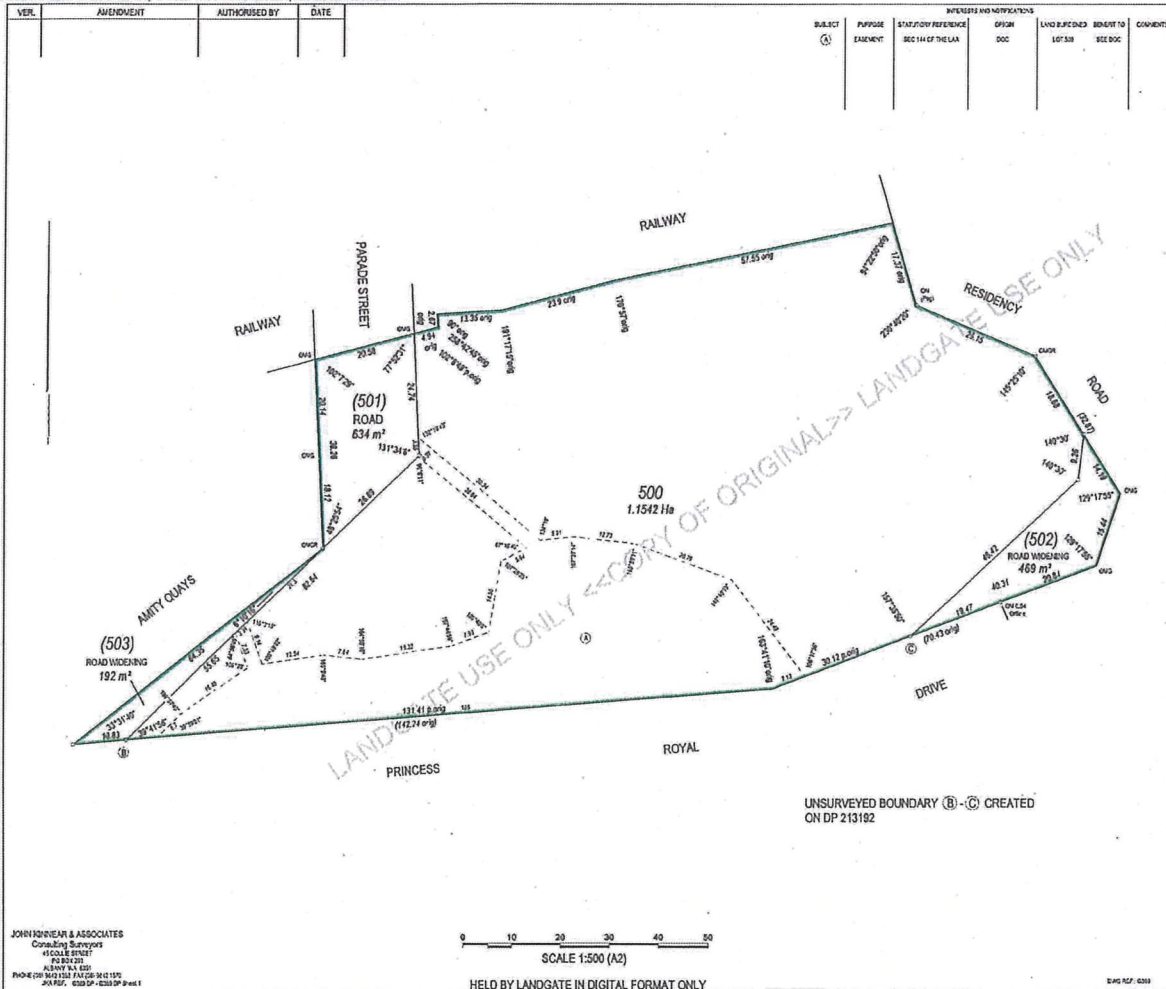
HELD BY LANDGATE IN DIGITAL FORMAT ONLY

TYPE		CROWN	S.S.A. NO.
PURPOSE	SUBDIVISION		
PLAN OF			
LOT 500, ROAD (LOT 501) AND ROAD WIDENINGS (LOTS 502 & 503)			
FORMER TENURE	LOT B41 ON DP 213192 C/T LR3121/610		
LOCAL AUTHORITY	CITY OF ALBANY		
LOCALITY	ALBANY		
D.O.L. FILE	08864-1856		
FIELD RECORD	154748		
SURVEYOR'S CERTIFICATE - REG 54			
I, M. NORMAN, hereby certify that this plan is accurate and is a correct representation of the -			
(a) Survey and/or			
(b) Measurements from measurements recorded in the field records.			
(I delete if applicable)			
endorsement for the purposes of this plan and that it complies with the relevant written law(s) in relation to which it is lodged.			
LICENSED SURVEYOR	<div style="display: flex; justify-content: space-between;"> <div> M. Norman 21311 08.79.58 24 47 - 08.08 </div> <div>DATE</div> </div>		
27.05.2021 LODGED			
DATE	FEE PAID	ASSESS NO.	
I.S.C.			
EXAMINED			
E. Milewska		8.06.2021 DATE	
WESTERN AUSTRALIAN PLANNING COMMISSION			
FILE Exempt from WAPC Approval			
Delegated under s.16 PAD Act 2003 DATE			
IN ORDER FOR DEALINGS			
SUBJECT TO	Class 'A' Reserve Action Reserve Action Dedication Action SEC 144 OF THE LAA		
FOR INSPECTOR OF PLANS AND SURVEYS		8.06.2021 DATE	
APPROVED			
INSPECTOR OF PLANS AND SURVEYS		DATE	
DEPOSITED PLAN 420728 SHEET 1 OF 1 SHEETS VERSION 1			

JOHN ZINZWEAR & ASSOCIATES
Consulting Surveyors
100/100 STREET
ALBANY
TASMANIA 7320
PHONE 08 9422 1111 FAX 08 9422 1112
WEBSITE www.jza.com.au

LANDGATE USE ONLY, COPY OF ORIGINAL, NOT TO SCALE

Retrieved: 21/06/2021 10:03 AM Page: 1



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JRA 001, 002, 003, 004, 005, 006, 007, 008, 009, 010, 011, 012, 013, 014, 015, 016, 017, 018, 019, 020, 021, 022, 023, 024, 025, 026, 027, 028, 029, 030, 031, 032, 033, 034, 035, 036, 037, 038, 039, 040, 041, 042, 043, 044, 045, 046, 047, 048, 049, 050, 051, 052, 053, 054, 055, 056, 057, 058, 059, 060, 061, 062, 063, 064, 065, 066, 067, 068, 069, 070, 071, 072, 073, 074, 075, 076, 077, 078, 079, 080, 081, 082, 083, 084, 085, 086, 087, 088, 089, 090, 091, 092, 093, 094, 095, 096, 097, 098, 099, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 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800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000

TYPE	CROWN	S.S.A. NO
PURPOSE	SUBDIVISION	
PLAN OF	LOT 500, ROAD (LOT 501) AND ROAD WIDENINGS (LOTS 502 & 503)	
FORMER TENURE	LOT B41 ON DP 213192 C/T LR3121810	
LOCAL AUTHORITY	CITY OF ALBANY	
LOCALITY	ALBANY	
D.O.L. FILE	08864-1896	
FIELD RECORD	154748	
<p>SURVEYOR'S CERTIFICATE - REG 54</p> <p>I, M. ROYCE, hereby certify that this plan is accurate and is a correct representation of the:</p> <p>(a) survey and/or</p> <p>(b) calculations from measurements recorded in the field records.</p> <p>(I declare if applicable) under penalty for the purposes of this plan and that it complies with the relevant written law(s) in relation to which it is lodged.</p> <p>AT: M. ROYCE LICENSED SURVEYOR DATE: 27/05/2021</p>		
DATE	27/05/2021	LOGGED
DATE	FEE PAID	ASSESS VAL.
I.S.C.		
EXAMINED		
E. Milewska	8.06.2021	DATE
WESTERN AUSTRALIAN PLANNING COMMISSION		
FILE Exempt from WAPC Approval		
Delegated under S.16 PUD Act 2005 DATE		
IN ORDER FOR DEALINGS		
SUBJECT TO Class 'A' Reserve Action Reserve Action Dedication Action SEC 144 OF THE LAA		
FOR INSPECTOR OF PLANS AND SURVEYS DATE		
APPROVED		
INSPECTOR OF PLANS AND SURVEYS DATE		
(S.18 Licensed Surveyors Act 1909)		
<p>DEPOSITED PLAN</p> <p>420728</p> <p>SHEET 1 OF 1 SHEETS</p> <p>VERSION 1</p>		



Department of Planning,
Lands and Heritage

Attachment 3 – West Australian Newspaper Advert – 19 August 2021



Government of Western Australia
Department of Planning, Lands and Heritage

**AMENDMENT OF
CLASS "A" RESERVE 4156
(City of Albany)**

I, Hon Dr Tony Buti MLA, Minister for Lands, hereby give notice pursuant to section 42(5) and 44(2) of the *Land Administration Act 1997*; that it is intended to act in relation to Class "A" Reserve 4156 comprising of Lot 875 on Deposited Plan 157632 and Lot B41 on Deposited Plan 213192, City of Albany.

It is proposed to amend Class "A" Reserve 4156 by:

- Excising Lot 875 on Deposited Plan 157632 for inclusion into adjoining Reserve 52838 (Lot 44 on Deposited Plan 157632) which is to be managed by the City of Albany for the purpose of "Parking and Drainage".
- Excising approximately 826 square metres for dedication as road to formalise the existing road that connects Parade Street and Amity Quays.
- Excising approximately 469 square metres (subject to final survey) for subsequent dedication to facilitate road widening at the corner of Residency Road and Princess Royal Drive to improve road safety.
- Granting an easement over portion of Lot B41 where existing drainage infrastructure and a tidal pond are located in favour of the City of Albany.

Prior to proceeding with this action, you have the opportunity to provide comments on the proposal within 30 days of the publication of this notice. To enable your comments to be taken into account or to arrange a viewing of the relevant plans, please contact Ms Tina Mead by email tina.mead@dplh.wa.gov.au, or the Department of Planning, Lands and Heritage Locked Bag 2506 Perth WA 6001, quoting the following reference numbers:

File No. 08864-1896

Job Number 143588

Hon Dr Tony Buti MLA
MINISTER FOR LANDS

DOPLH 3550