

SUNSET RESERVE TRANSFORMATION BILL 2013

EXPLANATORY MEMORANDUM

INTRODUCTION

The purpose of the Sunset Reserve Transformation Bill 2013 is to facilitate land tenure and planning amendments to “A” Class reserve 1667 to provide for the staged conservation and future use of the Sunset site for arts, cultural and community uses under ongoing management control of the Minister for Works.

More specifically, the Bill provides for:

- changes to the purpose of “A” Class reserve 1667 to provide for arts, cultural and community uses and rationalise minor City of Nedlands infrastructure encroachments;
- the excision of one lot comprising 1,993 square metres in total from “A” Class reserve 1667, containing the former Matron’s house, for sale to fund urgent conservation works to the heritage buildings, upgrade landscaping and services; and
- appropriate amendments to the Metropolitan Region Scheme and City of Nedlands Planning Scheme.

The Bill is organised into the following five parts:

- Part 1 – Preliminary
- Part 2 – Sunset Reserve amendments
- Part 3 – Planning Scheme amendments
- Part 4 – Dealing with excised land
- Part 5 – Miscellaneous

The Bill contains one schedule – Deposited Plan 49483.

The long title of the Bill is “An Act to provide for reserve and planning changes to expedite the transformation of the former Sunset hospital site into an arts, cultural and community asset, and for related purposes”.

These parts and the significant clauses are described below:

Part 1 – Preliminary

This part comprises:

- short title;
- commencement; and
- terms used.

Clause 1 Short title:

This clause provides that the short title of the Act is the Sunset Reserve Transformation Act 2013.

Clause 2 Commencement:

Sections 1 and 2 come into operation on the day the Act receives Royal Assent, with the rest of the Act coming into effect on the day after.

Clause 3 Terms used:

This clause defines relevant terms for the purposes of interpreting the Act.

Part 2 – Sunset Reserve Amendments

This part amends the purpose of “A” Class reserve 1667 and rationalises boundaries of the reserve.

Clause 4 Change of Purpose

This clause changes the purpose of “A” Class Reserve 1667 to “Sunset Heritage Precinct for arts, cultural, community and ancillary commercial purposes”. Commercial uses could include, for example, a cafe as this is ancillary to the major use.

Clause 5 Lot 305

Lot 305 as shown on Deposited Plan 49483 in Schedule 1 contains the City of Nedlands bore and pump that encroaches on the Sunset reserve. This clause provides for Lot 305 to be excised and included in the adjacent foreshore “A” Class Reserve 29174 under management control of the City of Nedlands.

Clause 6 Lot 304

Lot 304 as shown on Deposited Plan 49483 in Schedule 1 contains part of the City of Nedlands cycle track that encroaches on the Sunset reserve. This clause provides for Lot 304 to be excised and included in the adjacent “A” Class Reserve 17391 under management control of the City of Nedlands.

Clause 7 Lot 302

Lot 302 as shown on Deposited Plan 49483 in Schedule 1 will be excised from the Sunset reserve and placed in fee simple title in the name of the Minister for Works. There will be no duty payable on the transfer of the land to the Minister.

This lot will be sold to provide revenue for conservation and management of the Sunset site.

Clause 8 Registrar of Titles to take certain measures:

Sub clause (1) provides for the Registrar of Titles to take any necessary measures to register the amendments to reservations and classifications of and other changes to land affected by sections 4, 5, 6 and 7 including the transfer of the land to the Minister for Works in Clause 7 (2).

Subclause (2) provides for sections 4 to 7 to be treated as if they were orders under the *Land Administration Act 1997*.

Clause 9 Land Administration Act 1997 not affected

This clause provides that nothing in this part affects the powers conferred under the *Land Administration Act 1997* on the Minister for lands in relation to Class A reserve 1667.

Part 3 – Planning Scheme Amendments

This part deals with amendments to the Metropolitan Region Scheme and local planning scheme.

Clause 10 Terms used

This clause defines relevant terms for the purposes of interpreting Part 3 of the Act.

Clause 11 Metropolitan Region Scheme amended:

This clause provides for that part of the Sunset site reserved for Public Purposes – Hospital to be reserved for Parks and Recreation in the MRS and provides for Lot 302 to be zoned urban as this land will be sold as a lot for residential development.

Clause 12 Nedlands planning scheme amended:

This clause provides for Lot 302 to be zoned Residential in the local planning scheme with a density of R12.5.

Clause 13 Effect of amendments:

Sub clause (1) provides for amendments under this part to have effect as though the provisions were enacted under the *Planning and Development Act 2005*.

Sub clause (2) provides that nothing in this Part affects the operation of the *Planning and Development Act 2005* with respect to amendments to the Metropolitan Region Scheme and local planning scheme as amended by this Part.

Part 4 – Dealing with the Excised Land

This part outlines the powers provided to the Minister for Works to implement the Act.

Clause 14 Minister for Works may deal with excised land

Sub clause (1) empowers the Minister to do all things necessary to prepare the land for sale and dispose of the excised land.

Sub clause (2) outlines the powers available to the Minister for Works to ready the excised land for disposal.

Sub clause (3) affirms that the Minister must comply with any written law that applies in relation to the excised land.

Clause 15 Delegation

This clause provides for the Minister to delegate to a person any functions in clause 14. The delegation must be in writing signed by the Minister. The person granted the delegation must comply with the terms of the delegation. The Minister can continue to act through an officer or agent.

Part 5 – Miscellaneous

This part provides for miscellaneous provisions applicable to the Act.

Clause 16 Sunset Reserve Account:

This clause provides for a special purpose account to be established under the *Financial Management Act 2006*. The account will be credited with the revenue from the sale of Lots 301 and 302, other income generated from the Sunset site and money appropriated from Parliament or other lawful sources.

Moneys in the account will be applied to the conservation and management of Sunset.

Clause 17 Regulations:

This clause empowers the Governor to make regulations required or permitted to be prescribed by the Act, or are necessary or convenient to be prescribed for giving effect to the purpose of the Act.