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

PROPOSAL

Submission No: 12/2012

Submitted by the Minister for Lands

on ..................... of ........................................ 20 ..............
(day)                 (month)               (year)
SUBMISSION TO PARLIAMENT
UNDER SECTIONS 42(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 of ....................................2012

HON BRENDON GRYLLS MLA
Minister for Lands
(or his representative in the Legislative Council)
It is proposed to excise a portion of unmanaged Class A Reserve 14943 “Parklands and Recreation”, to formalise the extension of Cape Riche Road through Class A Reserve 14943. Annexure 1 shows the existing Class A Reserve hachured red and the proposed excision highlighted yellow. A plan of the proposed excision is shown at Annexure 2.

The City of Albany has provided resolution to dedicate the extension of Cape Riche Road through Class A Reserve 14943 (Annexure 3).

In accordance with section 42(5) of the LAA, the proposal was advertised in the West Australian on 16 May 2012. At the conclusion of the 30 day period no comments or objections were received. A copy of the advertisement is attached (Annexure 4).

As Reserve 14943 has Class 'A' status, it is necessary to table the proposed excision in both Houses of Parliament.
This product is for information purposes only and is not guaranteed. The information may be out of date and should not be relied upon without further verification from the original documents. Where the information is being used for legal purposes then the original documents must be searched for all legal requirements.
PROPOSED EXCISION (ROAD DEDICATION)
FROM CLASS A RESERVE 14943
WELLSTEAD
RDL FILE 3585-1913 V2

SCALE @ A4 1:20000

EXCISION AREA - 3.3269 ha

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24 October 2011

Mr Ken McCracken  
Manager  
State Lands – South East Region  
Lands Division  
Department of Regional Development and Lands  
PO Box 1143  
WEST PERTH WA 6872

Dear Mr McCracken

PROPOSED EXCISION OF PORTION OF RESERVE 14943 FOR DEDICATION AS ROAD RESERVE - CAPE RICHE ROAD

I refer to your previous discussions with Harley Global, acting on behalf of Grange Resources, regarding the excision of land from Class A Reserve 14943 for dedication as a road reserve in the location of Cape Riche Road. This matter was considered at the Ordinary Meeting of Council held on 11 October 2011 and it was resolved:

THAT Council:

i) **SEEKS** the Minister for Lands approval, under section 42(4) of the *Land Administration Act 1997*, to excise portion of A class Reserve 14943, as depicted in the plan attached;

ii) **SEEKS** the Minister for Lands approval, under section 56 of the *Land Administration Act 1997*, to dedicate the proposed land as road reserve, as depicted in the attached plan, as a public road;

iii) **INDEMNIFIES** the Minister for Lands from any claims for compensation, as is required under Section 56 of the *Land Administration Act 1997*.

In view of the existing arrangements Grange Resources have with Harley Global to assist with this issue, I trust that you now have sufficient information to finalise the matter.

It is noted in your email dated 7 July 2011 to Rod Hedderwick of Harley Global, that there is some confusion about the status of the existing road reserve passing through Reserve 14943 and whether this is a 'legal road'. Could you please advise if a road closure process must be observed to enable the amalgamation of this redundant road reserve with the adjoining R14943 and whether this can be addressed as part of the excision of the road reserve to accommodate the existing constructed road. Given the parliamentary processes that must be observed, it seems the best course of action to deal with these matters together.
Should you have any further queries with regard to this matter, please do not hesitate to contact Nicole Crook on direct telephone 9841 9217 or via email nicolec@albany.wa.gov.au.

Yours sincerely

Pamela Wignall
Acting Executive Director Corporate Services

cc. Mr Rod Heddenwick
Harley Global
P O Box 6207
Albany WA 6331

Mr Brendan Corry
Grange Resources
P O Box 7025
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