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

PROPOSAL

Submission No: 13/2012

Submitted by the Minister for Lands

on .................. of .................................. 20 ...........
(day) (month) (year)
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)
AMENDMENTS TO ‘A’ CLASS RESERVE 8485 AND CANCELLATION OF ‘A’ CLASS RESERVE 28535 UNDER SECTION 42 (4) OF THE LAND ADMINISTRATION ACT 1997 (LAA)

‘A’ Class Reserves 8485 and 28535 are managed by the City of Busselton (City) and set aside for the purposes of “Camping and Recreation” (8485) and “Tennis Courts” (28535). The intention of a Master Plan (MP) adopted by the City is to guide the future development and use of the Busselton foreshore.

The reserve land rationalisation requires several amendments to ‘A’ Class Reserve 8485 and the cancellation of ‘A’ Class Reserve 28535.

It is proposed to amend Reserve 8485 by:

- excising portion for inclusion into Reserve 38558, into a proposed commercial zone and to accommodate the proposed extension of Brown Street (coloured green at Annexure 1);
- redefining Reserve 8485 to comprise that part of the reserve between the proposed extension of Brown Street and Georgette Street (including the closure of portion of Milne Street for inclusion into the ‘A’ Class reservation). This area to have a purpose of “Recreation” under the management of the City with the power to lease (coloured pink at Annexure 1); and
- creating a new ‘A’ Class reserve with a purpose of ‘Recreation and Conservation’ under the management of the City for the portion of Reserve 8485 east of Georgette Street to Ford Road (coloured blue at Annexure 1).

Reserve 28535 is to be cancelled and included into the primary City managed foreshore land (Reserve 38558) and partly into the proposed commercial zone (Annexure 2).

The City has initiated a rezoning of the foreshore land and if approved a Development Guide Plan will be prepared to ensure future development and use is consistent with the intended land uses in the MP.

A ministerial order under the LAA to register the amendments to the reserves will not be approved:

- unless the proposed rezoning of the land proceeds and the City has adopted a Development Guide Plan for the foreshore area and that plan has received the endorsement of the Western Australian Planning Commission; and
- with respect to Reserve 28535, until such time as the tennis club facilities have been relocated or there is a firm agreement to the satisfaction of the Minister for Lands that the relocation has been agreed including the right for the tennis club to continue to operate in its present location until relocation has been achieved.

Annexure 3 shows the area of the proposed commercial zone in relation to the proposed amendments.
The proposed commercial zoned area is intended to be leased under the LAA to the City enabling it to sublease to a developer(s). Revenue from that arrangement and other leasing of land within the greater Reserve 38558 will be held in trust for the purposes of jetty and foreshore maintenance and improvement.

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 or objections, no submissions were received.

In addition the publishing of the notice was notified in a ‘Council for Community’ advertisement in the Busselton-Dunsborough Mail on 11 July and 18 July 2012.

ELECTORAL DISTRICT OF VASSE
SOUTH WEST REGION
CITY OF BUSSELTON
PROPOSED AMENDMENTS TO CLASS A RESERVE 8485

BUSSELTON

CURRENT AREA OF CLASS A RESERVE 8485 - 19.5842 ha

PROPOSED NEW CLASS A RESERVE
- Recreation & Conservation - abt 6.53 ha

OTHER LAND TO BE EXCISED - abt 2.05 ha

BALANCE OF CLASS A RESERVE 8485 - abt 11 ha

PORTION OF MILNE ST FOR CLOSURE & INCLUSION INTO CLASS A RESERVE 8485 - abt 0.38 ha
PROPOSED DEVELOPMENT PRECINCTS
IN THE VICINITY OF CLASS A RESERVES 8485 & 28535
BUSSELTON

SCALE @ A3 - 1:4000

GEOGRAPHE
BAY
A49652
ROAD
GEORGETTE ST
TERRACE

\[\text{ QUEEN STREET} \]
\[\text{ MARINE} \]
\[\text{ SCOUT ROAD} \]

\[\text{ A28535} \]
\[\text{ A38558} \]
\[\text{ 432} \]
\[\text{ 431} \]

\[\text{ A8485} \]

\[\text{ abt 2680 m}^2\]

\[\text{ abt 1.08 ha}\]

\[\text{ abt 3670 m}^2\]

\[\text{ abt 5680 m}^2\]