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

PROPOSAL

Submission No: 14/2012

Submitted by the
Minister for Lands

on .................. of .................................. 20 ...........
  (day)        (month)        (year)
SUBMISSION TO PARLIAMENT
UNDER SECTIONS 42(4), 44(1) OR 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 of ....................................2012

HON BRENDON GRYLLS MLA
MINISTER FOR LANDS

(or his representative in the Legislative Council)
CANCELLATION OF CLASS A RESERVE 7953 UNDER SECTION 42(4)(c) OF LAND ADMINISTRATION ACT 1997 (LAA)

The Proposal is to cancel Class A Reserve 7953, described as Lot 377 on Deposited Plan 105742 and Lot 11054 on Deposited Plan 211723. A portion of Reserve 7953, together with all of Reserve 20422 will then form part of a land exchange. The exchange will involve the portion of Reserve 7953 shown hatched at Annexure A, Reserve 20422 and a portion of Freehold Lot 1987.

Reserve 7953 is set aside for the purpose of “Recreation and Showground” with management in favour of the Shire of Chapman Valley (Shire). Reserve 7953 was created in 1902 and in 1920 was given Class A status. Research cannot ascertain the justification for the classification.

The portion of Reserve 7953 shown hatched at Annexure A, together with all of Reserve 20422 has been used since the 1920s by local farmers for grazing or cropping with the permission of the Shire. Recently that use has included cropping and grazing by a neighbour who owns Lot 1987 on DP 231883 which abuts Lot 377 of Reserve 7953. The eastern portion of Reserve 7953 is developed for the designated purpose of “Recreation and Showground” and is currently under consideration for an upgrade and development of facilities to enlarge and improve its amenity for the community. It is the Shire’s intention to develop equestrian facilities to serve a number of local clubs and a safe car parking facility to replace the current informal arrangement.

To assist the Shire with its development plans for that part of the reserve (Lot 377) and to resolve the longstanding non-conforming use of the other part of the reserve, a land exchange has been proposed. This exchange has been agreed to in-principle by the Shire and the owner of Lot 1987.

The western severance of Reserve 7953 has not been used for its designated purpose for many years. To enable this land exchange to proceed, the Shire has requested that the Class A classification be cancelled.

When this change of status is achieved, the Department of Regional Development and Lands will obtain current market valuation advice and recommence negotiation with the owner of Lot 1987 on equal value land exchange, so as to enlarge the eastern severance of Reserve 7953.

The proposal was published in The West Australian newspaper in accordance with section 42(5) of the LAA on 30 March 2011. At the conclusion of the period for comments/objections, no submissions were received.

As Reserve 7953 has Class A status, it is necessary to obtain the approval of both Houses of Parliament for cancelation of the reserve.

ELECTORAL DISTRICT OF MOORE
AGRICULTURAL REGION
SHIRE OF CHAPMAN VALLEY