Submission to Parliament under Section 45(4) of the *Land Administration Act 1997*

**PROPOSAL**

Submission No: 2/2017

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 ......................... 2017

HON RITA SAFFIOTI MLA
MINISTER FOR LANDS
EXCISION OF LAND FROM CLASS ‘A’ RESERVE 8428 (LEEUWIN NATURALISTE NATIONAL PARK) UNDER SECTION 45(4) OF THE LAND ADMINISTRATION ACT 1997 (LAA)

Class “A” Reserve 8428 is set aside for the purpose of “National Park” and vested in the Conservation and Parks Commission under the Conservation and Land Management Act 1984.

It is proposed to amend Reserve 8428 to allow for the realignment of portion of Caves Road at the intersection of Yallingup Beach Road to improve the traffic flow. The proposal requires the excision of 1.9058 hectares from Reserve 8428. The excisions are shown on the sketch plan and locality plan at Attachments 1 and 2.

The Minister for Environment, with the support of the Conservation and Parks Commission, has approved the proposal in accordance with section 45(2) of the Land Administration Act 1997 (LAA) (Attachment 3). The City of Busselton (City) supports the proposal (Attachment 4). Other actions supported by the City are proceeding separately including future action to further amend Reserve 8428 which will require an Act of Parliament to be enacted.

In accordance with section 45(5) of the LAA, the proposal was advertised in The West Australian newspaper on 21 September 2016. At the conclusion of the designated period, no submissions were received. A copy of the advertisement is at Attachment 5.

ELECTORAL DISTRICT OF SOUTH WEST
SOUTH WEST REGION
CITY OF BUSSELTON
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.
RECOMMENDATION

That you:

1. note this information; and

☐ NOTED

2. approve the proposed amendments which will rationalise management of the land surrounding the Yallingup town site and facilitate proposed upgrades to Caves Road.

☐ APPROVED  ☐ NOT APPROVED

Jim Sharp
DIRECTOR GENERAL

20 July 2015

Att

MINISTER FOR ENVIRONMENT

17 AUG 2015
DEPARTMENT OF LANDS

7 MAR 2014

OBJECTIVE ID:____________________

Init:_________________________ Date: / / 

Greg Maier
South West Regional Manager
Department of Parks and Wildlife
PO Box 1693
BUNBURY WA 6231

Dear Greg

RE: CROWN LAND IN AND AROUND YALLINGUP TOWNSITE

Further to recent discussions, please be advised that the Council made the following resolution in relation to Crown Land in and around Yallingup Townsite at its ordinary meeting of 26 February 2014 —

That the Council resolve to indicate support for the following changes to Crown land tenure in and around Yallingup townsite (generally as illustrated on Attachment A to the agenda report) —

1. Realignment of Caves Road to the east of the Yallingup Hall, including excisions from National Park and existing, unmanaged Reserve 16312.

2. Transfer of the ‘Old Cricket Pitch’ area from DPoW to the City, and the consolidation of that into a larger reserve also incorporating the Yallingup Hall and portion of the existing, but in future defunct, Caves Road alignment, with the City having power to lease over the reserve (21 years, with Ministerial approval) and with the reserve purpose being ‘Recreation and Community Centre’.

3. Transfer of the balance of existing, but in future defunct, Caves Road alignment to DPoW for inclusion in National Park.

4. Consolidation of the Yallingup townsite foreshore into a single reserve managed by the City, including all land to High Water Mark (which involves excision from National Park), plus the ‘Slippery Rocks’ car park (which again involves excision from National Park) and the small ‘car park’ reserve on the southern side of Yallingup Beach Road, with the City having power to lease over the reserve (21 years, with Ministerial approval) and with the reserve purpose being ‘Recreation and Landscape Protection’.

5. Amendment of boundary between Yallingup Beach Caravan Park and Jangagarrup Reserve, currently vested with the City, plus the land between that reserve and Yallingup Beach Road, to expand Yallingup Beach Caravan park site to accommodate existing encroachment.

6. Amendment of boundary between Yallingup Beach Caravan Park, Jangagarrup Reserve and Yallingup VBFB site to ‘square off’ boundary and slightly expand VBFB site.

7. Change of management order for VBFB site so that purpose is ‘Bush Fire Brigade Depot and Community Centre’, and provide City with power to lease (21 years, with Ministerial approval).

8. Transfer of the balance of Jangagarrup Reserve, plus the land between that reserve and Yallingup Beach Road to DPoW for inclusion in National Park.

9. Easement in favour of Yallingup Beach Caravan Park over portion of Jangagarrup Reserve plus the land between that reserve and Yallingup Beach Road to allow access to water supply for Caravan Park.

10. Designation as National Park of portions of currently unmanaged land between Yallingup townsite and the existing National Park.
A plan illustrating the proposed changes is attached.

To implement these changes the Conservation Commission of Western Australia will need to consider the proposed excisions from, and additions to, the Conservation Estate. We trust that you will engage with Main Roads WA in relation to point one of the Council resolution but would ask that, in relation to the other points, the formal consideration of the Conservation Commission occurs as soon as possible, so that the City, your Department and the Department of Lands can then organise the subsequent steps to effect the proposed changes.

Should you have any queries concerning the above please contact me on my direct line 9781 0476.

Yours sincerely

Paul Needham
DIRECTOR PLANNING AND DEVELOPMENT SERVICES

28 February 2014

cc: Ron Pumphrey, Department of Lands, Manager, South West and Great Southern, Level 11, 140 William Street Perth WA 6000
    Brett Belstead, Director South West Operations, Main Roads WA, P Box 5010, Bunbury WA 6230
    Proprietor, Caves Caravan Park, PO Box 20, Yallingup WA 6282
    Proprietor, Yallingup Beach Caravan Park, PO Box 22, Yallingup WA 6282
    Bill Reid, President, Yallingup Residents’ Association, 47 View Street, Peppermint Grove 6011
CLASS "A" RESERVE R428
LEEWIN NATURALISTE NATIONAL PARK
(CITY OF BUSSELTON)

I, Colin Retting, Director General, Department of Lands, under delegation of Minister for Lands, give notice pursuant to section 420A of the Land Administration Act 2001, that it is intended to act in relation to Class "A" Reserve R428.

It is proposed to exalter 1,028 hectares from Reserve R428 for the reassignment of portion Caves Road at the intersection of Whitegate Beach Road.

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, please submit your reply to Linda Martin, lands.macro@lands.wa.gov.au, or Department of Lands, PO Box 1145 West Perth WA 6005 or telephone (08) 6552 4619 quoting the following reference numbers:
File No. 11880-1802
Job Number 1152411

DIRECTOR GENERAL
DEPARTMENT OF LANDS

For and on behalf of the Minister for Lands, under delegation.