

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

# **PROPOSAL**

**Submission No: 04/2023**

**Submitted by the  
Minister for Lands**

on 2nd of August 2023

**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 2nd day of August 2023

**HON JOHN CAREY MLA**  
**MINISTER FOR LANDS**  
*(or his representative in the Legislative Council)*

**AMENDMENT OF CLASS 'A' RESERVE 23480 UNDER SECTION 42(4) OF THE LAND  
ADMINISTRATION ACT 1997 - SHIRE OF AUGUSTA MARGARET RIVER**

Class 'A' Reserve 23480 (Reserve) is set aside for the purpose of 'Camping and Public Utility' in Alexandra Bridge and managed by the Shire of Augusta-Margaret River.

Due to the misalignment of a boundary fence, the adjacent landowner of Lot 4493 Brockman Highway has partially constructed a house and shed within the Reserve.

To rectify the encroachments, it is proposed to excise a 3,203m<sup>2</sup> portion of the Reserve for its sale and amalgamation with the freehold land (Attachments 1 and 2).

In accordance with section 42(5) of the LAA, the proposal was advertised in *The West Australian* newspaper on 13 February 2023. At the conclusion of the designated advertising period, no comments or objections were received (Attachment 3).

As Reserve 23480 has a Class 'A' status, it is necessary to obtain the approval of both Houses of Parliament to amend the Reserve, pursuant to section 42(4) of the LAA.

**ELECTORAL DISTRICT OF WARREN- BLACKWOOD  
SOUTH WEST REGION  
SHIRE OF AUGUSTA MARGARET-RIVER**

Clark Dr

Brookman Rd

Colley Rd

Warner Glen Rd

Play Rd

171596 Rd

R 23480  
3871  
DP 205783

R 38822  
4413  
DP 171596

R 23480  
3871  
DP 205783

R 23480  
3871  
DP 205783

R 23480  
3871  
DP 205783

Brookman River

0 100 200 300 400  
metres

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Adopted from the 2002 Productive Land Use  
Planning Strategy  
Case 171596, Proposed 23480 Reserve 23480

Base information supplied by  
Western Australian Land Information Authority  
SLP 1180 2001

**Legend**

Reserve 23480  
Excluded area = 5095 m²

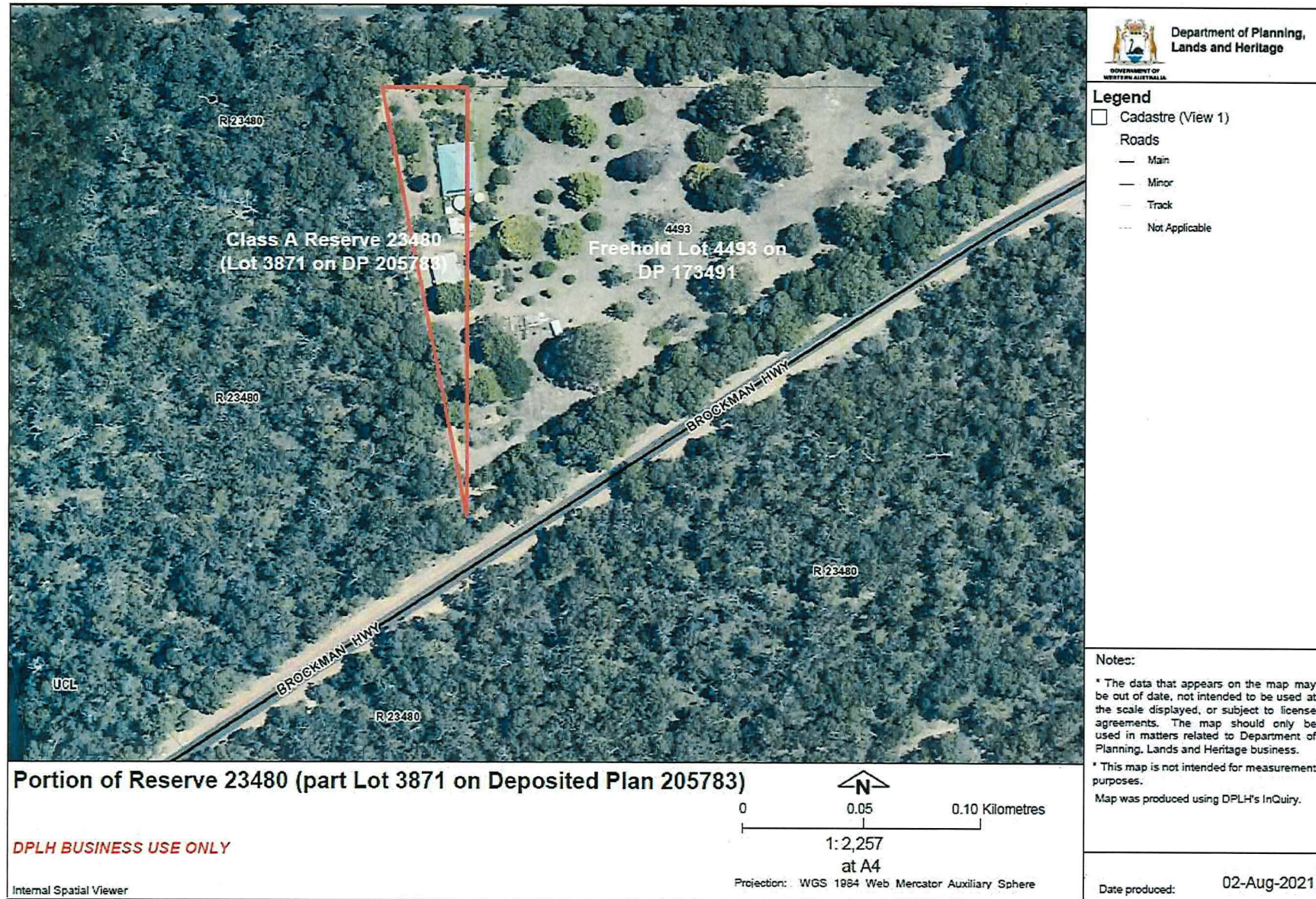
Reserve 23480  
Balance area = 95 6321 ha

Cadastre

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## Attachment 2





# PUBLIC NOTICES



Government of Western Australia  
Department of Planning, Lands and Heritage

## **CLASS 'A' RESERVE 23480 – SHIRE OF AUGUSTA - MARGARET RIVER LAND ADMINISTRATION ACT 1997**

I, Anthony Kannis, Director General, Department of Planning, Lands and Heritage under delegation of the Minister for Lands, give notice pursuant to section 42(5) of the *Land Administration Act 1997* (LAA), that it is intended to act in relation to Class 'A' Reserve 23480 (Reserve).

It is proposed to excise 3,203 square metres from the Reserve, pursuant to section 42(4)(a) of the LAA, for its sale and amalgamation into the adjoining freehold property, to rectify two structural encroachments resulting from the misalignment of a boundary fence.

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 or to arrange a viewing of the relevant plans, please contact Mr Alexander John by email at [alexander.john@dplh.wa.gov.au](mailto:alexander.john@dplh.wa.gov.au) or the Department of Planning, Lands and Heritage, Locked Bag 2506 Perth WA 6001 or by telephone (08) 6552 4511 quoting the following reference numbers:

File No: 01115-1952

Case No: 2101833

**DIRECTOR GENERAL  
DEPARTMENT OF PLANNING, LANDS AND HERITAGE**

DOPLH 13462