

12.6 REQUEST FROM THE PUBLIC TRANSPORT AUTHORITY - TRANSFER AND DEDICATION OF PORTION OF SUMMERS STREET, EAST PERTH

- Attachments:**
1. Intamaps image of PTA portion of Summer Street
 2. Deposited Plan
 3. Intramaps image of Summers Street (current)
 4. Transfer of Land Form

RECOMMENDATION:**That Council:**

1. **APPROVES** the Public Transport Authority's (PTA) request to transfer a portion of Summers Street, East Perth (Road), as identified on the Intramap annexure at Attachment 1 and Deposited Plan, at Attachment 2 to the City;
2. **NOTES** the transfer will be in accordance with section 168(5) of the *Planning and Development Act 2005*, pursuant to which the Road will:
 - 2.1 **Be dedicated to public use; and**
 - 2.2 **Form part of road reserve of Summers Street**upon the transfer being registered;
3. **NOTES** the PTA will pay the City's legal fees (capped at \$1,000) associated with preparing verification of identity statements to allow registration of the transfer at Landgate; and
4. **AUTHORISES** the Chief Executive Officer and the Mayor to affix the common seal and execute the Transfer of Land form in respect of the Road.

PURPOSE OF REPORT:

To consider Public Transport Authority's (PTA) request to transfer a portion of Summers Street, East Perth to the City pursuant to s.168(5) of the *Planning and Development Act 2005*.

BACKGROUND:

PTA has approached the City to request the City accept a transfer of a portion of Summers Street, East Perth (identified on the map and diagram at **Attachment 1** and **Attachment 2**) (Road) which is currently owned by PTA.

The transfer and dedication of the Road as part of Summers Street road reserve is a necessary step towards progressing the redevelopment of the East Perth Power Station project. Administration is informed that, in order to enter into a formal agreement with the preferred proponent, all residual matters (including the dedication of the Road) must first be finalised.

DETAILS:

PTA has provided the Transfer of Land form (Transfer Form) for the City's execution (at **Attachment 4**). In line with PTA's recommendation, the Transfer Form provides that the transferred land 'be dedicated as road pursuant to section 168(5) of the *Planning and Development Act 2005*'.

Upon the transfer being registered at Landgate, the Road would:

- (a) **Be dedicated to public use; and**
- (b) **Form part of the road reserve of Summers Street (identified at **Attachment 3**).**

If the Road was transferred to the State of WA (rather than the City), it could require the City to provide a Council resolution (amongst other requirements) in accordance with Section 56 of the *Land Administration Act 1997* and Regulation 8 of the *Land Administration Regulations 1998*. As a result, PTA has informed Administration that the transfer of the Road pursuant to s.168(5) of the Act is the simplest, quickest and most effective way to dedicate the land as public road reserve.

Administration notes that if Council does not accept the transfer and dedication of the Road, PTA can transfer the Road to the State. Once transferred to the State and dedicated as part of the Summers Street road reserve, the Road would be subject to the City's care, control and management pursuant to s.56 of the *Land Administration Act 1997*.

CONSULTATION/ADVERTISING:

No advertising would be undertaken for this proposal.

LEGAL/POLICY:

Planning and Development Act 2005 - section 168 (Road creation of etc. on subdivision etc.):

(5) *When a portion of land is transferred to the Crown or a local government for the purpose of extending or adding to a road, the transferred portion is to be taken —*

(a) *to be dedicated to the public use; and*

(b) *to form part of the road,*

as and from the date of registration of the transfer.

RISK MANAGEMENT IMPLICATIONS

Low: It is low risk for Council to accept the transfer and dedication of the Road as part of the Summers Street road reserve.

STRATEGIC IMPLICATIONS:

This is in keeping with the City's *Strategic Community Plan 2018-2028*:

Innovative and Accountable

Our resources and assets are planned and managed in an efficient and sustainable manner.

SUSTAINABILITY IMPLICATIONS:

This does not contribute to any environmental sustainability outcomes.

PUBLIC HEALTH IMPLICATIONS:

This does not contribute to the health outcomes of the City's *Public Health Plan 2020-2025*.

FINANCIAL/BUDGET IMPLICATIONS:

In accordance with Landgate's identification requirements, the Mayor and Chief Executive Officer will be required to provide verification of identity statements to accompany the Transfer Form. PTA has agreed to pay the City's legal fees (capped at \$1,000) associated with preparation of these statements.

The City has been maintaining the Road pavement within the subject lot since the inception of the Town of Vincent and will continue to do so. The future development of the East Perth Power Station Site may require modifications to the road layout, which will be negotiated with the proponents through the approvals process.

	Landgate Tenure Pin 11651891 Address Type No From No From Suffix No To Road Name Road Type Locality Postcode State Pityp 1 Plan/Diagram P054478 500 Lot Number 500 Area 80082m ² CT 002655000138 Owner PUBLIC TRANSPORT AUTHORITY OF WESTERN AUSTRALIA Sale Date Docno K073803K073803 Region	
	 CITY OF VINCENT	The City of Vincent does not warrant the accuracy of information in this publication and any person using or relying upon such information does so on the basis that the City of Vincent shall bear no responsibility or liability whatsoever for any errors, faults, defects or omissions in the information. Includes layers based on information provided by and with the permission of the Western Australian Land Information Authority (Landgate) (2013).

VER.	AMENDMENT	AUTHORISED BY	DATE	HELD BY LANDGATE IN DIGITAL FORMAT ONLY		
2	PLAN EXAMINATION REQUIREMENTS	C. MACLIVER	7/12/2020	LOTS 5002, 5003, 5004 AND 5005 TO BE ACQUIRED FOR A PUBLIC PURPOSE (ROAD & ROAD WIDENING)		

ENLARGEMENT 'N'
NOT TO SCALE
ALL DIMENSIONS ARE ORIGINAL

INTERESTS AND NOTIFICATIONS						
SUBJECT	PURPOSE	STATUTORY REFERENCE	ORIGIN	LAND BURDENED	BENEFIT TO	COMMENTS
(A)	RESTRICTIVE COVENANT		DOC K987567	LOT 5001	SEE DOCUMENT	
(B)	EASEMENT		DOC L300319	LOT 5001	LOT 169 ON P 23536	LIMITED IN HEIGHT FROM RL 16.5m AHD TO RL 35m AHD

ALL DIMENSIONS BETWEEN (X) & (Y) ARE ORIGINAL

THE BOUNDARY BETWEEN (C) & (D) IS HIGH WATER MARK FROM FB 115 AND PLAN 503
SEE ALSO THE SWAN RIVER IMPROVEMENT ACT 1925

1:2000 @ A2

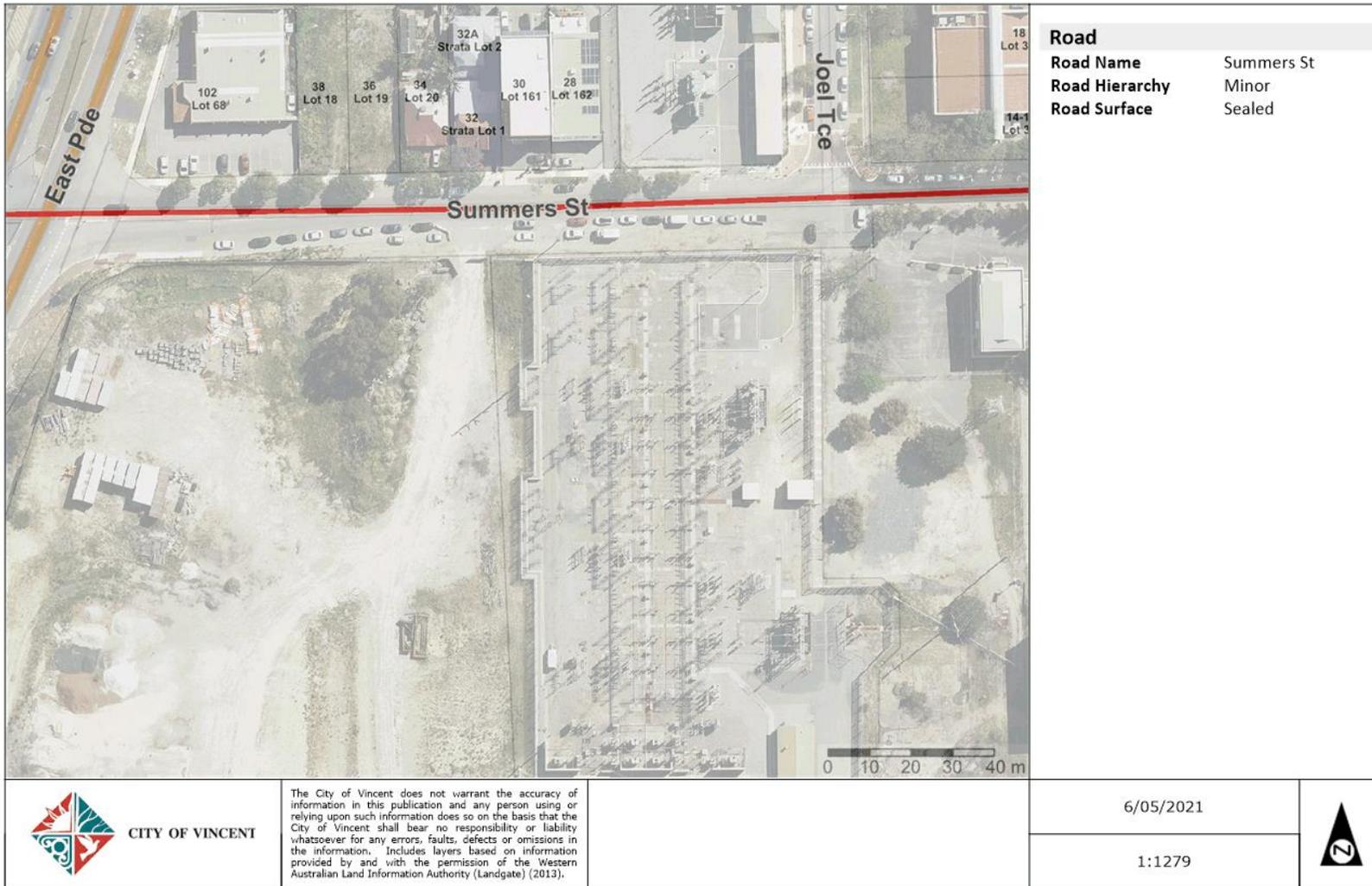
JOB No 8971
CROSSLAND & HARDY PTY LTD
 CONSULTING LICENSED SURVEYORS
 177 RAILWAY PARADE, MAYLANDS 6051
 TEL 08 9272 2214 FAX 08 9370 3547
 EMAIL mfo@chsveys.com.au
 A.B.N. 46 008 745 542

TYPE	FREEHOLD	S.S.A.	YES/NO
PURPOSE	ACQUISITION		
PLAN OF	LOTS 5001, 5002, 5003, 5004 AND 5005		
FORMER TENURE	LOT 500 ON DP 54478 C/T 2655-138		
LOCAL AUTHORITY	CITY OF PERTH CITY OF VINCENT		
LOCALITY	EAST PERTH		
D.O.L. FILE	N/A		
FIELD RECORD	152978		
SURVEYOR'S CERTIFICATE - REG 54	I, Cameron MacLiver, hereby certify that this plan is accurate and is a correct representation of the - (a) survey; and/or (b) calculations from measurements recorded in the field records, undertaken for the purposes of this plan and that it complies with the relevant written law(s) in relation to which it is lodged.		
LICENSED SURVEYOR		DATE	13/11/2020
	LODGED		
DATE	13-Nov-2020	FEE PAID	ASSESS No.
I.S.C.	EXAMINED		
		DATE	7-Dec-2020
WESTERN AUSTRALIAN PLANNING COMMISSION	FILE DPI/09/02336		
Delegated under s.16 P&D Act 2005		DATE	27-Jan-2021
	IN ORDER FOR DEALINGS		
SUBJECT TO	Acquisition		
FOR INSPECTOR OF PLANS AND SURVEYS		DATE	27-Jan-2021
	APPROVED		
INSPECTOR OF PLANS & SURVEYS / AUTHORISED LAND OFFICER		DATE	

GOVERNMENT OF WESTERN AUSTRALIA

Landgate

DEPOSITED PLAN
416044
 SHEET 1 OF 2 SHEETS
 VERSION 2



FORM T2

WESTERN AUSTRALIA
TRANSFER OF LAND ACT 1893

TRANSFER OF LAND

DESCRIPTION OF LAND (Note 1)	EXTENT	VOLUME	FOLIO
That part of Lot 500 on Deposited Plan 54478 as is now contained in Lot 5005 on Deposited Plan 416044	Part	2655	138

ESTATE AND INTEREST (Note 2)
Fee Simple

TRANSFEROR (Note 3)
PUBLIC TRANSPORT AUTHORITY OF WESTERN AUSTRALIA

CONSIDERATION (Note 4)
No monetary consideration. In order that the above described land be dedicated as road pursuant to section 168(5) of the Planning and Development Act 2005.

TRANSFEREE (Note 5)
CITY OF VINCENT of 99 Loftus Street Leederville WA 6007

L128

PAGE 2

THE TRANSFEROR for the consideration herein expressed transfers to the TRANSFEREE the estate and interest herein specified in the land herein described, subject to the Limitations, Interests, Encumbrances and Notifications as shown on the Certificate of Title and/or otherwise affect the land under the *Transfer of Land Act 1893*. (Instruction 1 & 2)



INSTRUCTIONS

1. Page 2 of this document may be used:
 - 1.1. If insufficient space in any section hereon; Appropriate headings should be shown. The boxed sections should only contain the words "see page..."
 - 1.2. To set forth Easements created as appurtenant to the land (commencing with the words "together with"). Reservations created encumbering the land (commencing with the words "reserving to") or any Restrictive Covenant hereby created. Any Sketch contained thereon must be initialled by all parties.
Covenant hereby created. Any Sketch contained thereon must be initialled by all parties
2. If further space is required Additional Sheet form B1 should be used with appropriate headings. Additional Sheets shall be numbered consecutively and bound to this document by staples along the left margin prior to execution by the parties.
3. No alteration should be made by erasure. The words rejected should be scored through and those substituted typed or written above them, the alteration being initialled by the persons signing this document and their witnesses.
4. Duplicate Crown Lease or where issued, the Duplicate Certificate of Title is required to be produced or if held by another party then arrangements must be made for its production.

If a Duplicate Certificate of Title is not required to be re-issued, or if a Duplicate Certificate of Title has not been issued previously but is required to issue subsequent to this document, the written request of the Transferee is required by signing this panel. Written consent of the First Mortgagee is also required if applicable

NOTES

1. **DESCRIPTION OF LAND**
Lot and Diagram/Plan/Strata/Survey-Strata Plan number or Location name and number to be stated.
Extent - Whole, part or balance of the land comprised in the Certificate of Title to be stated.
The Volume and Folio or Crown Lease number to be stated.
2. **ESTATE AND INTEREST**
State whether Fee Simple, Leasehold or as the case may be in the land being transferred. If share only, specify.
3. **TRANSFEROR**
State full name of the Transferor/Transferors (Registered Proprietor) as shown on the Certificate of Title or Crown Lease.
4. **CONSIDERATION**
If a sum of money only, to be expressed in figures and in every other case to be concisely stated in words.
5. **TRANSFeree**
State full name of the Transferee/Transferees (Purchaser) and the address/addresses to which future notices can be sent. If a minor, state date of birth.
If two or more state tenancy eg:
 - Joint Tenants, (on the death of a joint tenant, the survivor(s) become(s) the registered proprietor(s) of the deceased's interest by applying to the Registrar of Titles),
 - Tenants in Common, (on the death of a tenant in common, their share is dealt with according to their will).
 If Tenants in Common specify shares.
6. **TRANSFeree'S / TRANSFEROR'S EXECUTION**
Transferees and Transferors must sign their appropriate panel.
A separate attestation is required for every person signing this document. Each signature should be separately witnessed by an adult person. The full name, address and occupation of the witness must be stated. Execution by a corporation or body corporate must be in accordance with the *Corporation Act 2001*.



OFFICE USE ONLY

TRANSFER

LODGED BY	State Solicitors Office
ADDRESS	28 Barrack Street Perth
PHONE No.	9264 1176
FAX No.	9264 1440
REFERENCE No.	SSO 784-21 MC1
ISSUING BOX No.	59N

PREPARED BY	As Above
ADDRESS	
PHONE No.	FAX No.
REFERENCE No.	

INSTRUCT IF ANY DOCUMENTS ARE TO ISSUE TO OTHER THAN LODGING PARTY

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TITLES, LEASES, DECLARATIONS ETC LODGED HERewith

1. _____	Received Item
2. _____	No.s
3. _____	
4. _____	
5. _____	
6. _____	Receiving Clerk

Registered pursuant to the provisions of the *TRANSFER OF LAND ACT 1893* as amended on the day and time shown above and particulars entered in the Register.