

LOCAL GOVERNMENT ACT, 1995 – EXECUTION OF DOCUMENTS

LGAES11

FUNCTION DELEGATED

The authority to sign documents on behalf of the City of Cockburn.

CONDITIONS/GUIDELINES

- (1) Restricted to documents not requiring the Common Seal of the City of Cockburn.
- (2) Indemnities can only be issued following confirmation from Council Insurer that the project is covered by the City's insurance.
- (3) All transactions utilising this delegation are to be recorded in the Delegated Authority Portal System by the officer responsible for initiating the action taken, or by another officer under the direction of the initiating officer.

AUTONOMY OF DISCRETION

N/A

LEGISLATIVE REQUIREMENTS AND/OR COUNCIL POLICY

Local Government Act, 1995 (Sec.9.49A)

DELEGATE

Chief Executive Officer

DELEGATE/S AUTHORISED

N/A

COUNCIL RESOLUTION DATE:



Government of Western Australia
Department of Environment and Conservation



SCM2010/02/25 - Item 9.1

Your ref: 3300004, 3317044
Our ref: 2007/001566-1
Enquiries: Simon Dobner
Phone: 9431 6500
Fax: 9431 6599
Email: simon.dobner@dec.wa.gov.au

City of Cockburn
P.O. Box 1215
BIBRA LAKE DC, WA 6965

Attention: Kevin Sim

CITY OF COCKBURN RECEIVED	
16 DEC 2009	
FILE No. <u>3300004</u>	COPY
ORIGINAL <u>K SIM</u>	
COPY	FILE PLEASE <input type="checkbox"/>

Dear Kevin

PROPOSED EXCISION FROM RESERVE 49220 – POORE GROVE, MUNSTER

Thank you for your letter dated 23 November 2009 regarding a proposed excision from Reserve 49220 to accommodate a portion of the City of Cockburn's planned Coogee Beach Surf Life Saving Club development.

Reserve 49220 is a Class C Reserve vested in the Conservation Commission of Western Australia as a 'Conservation Park'. At its meeting held on 16 February 2009, the Conservation Commission approved the transfer of the portion of Reserve 49220 which is affected by the proposed Coogee Beach Surf Life Saving Club development (approximately 1.2 ha), to the City of Cockburn for amalgamation with the City's existing landholdings within Woodman Point Regional Park. Following subsequent discussions between the Department of Environment and Conservation (DEC) and the City regarding practical tenure arrangements, the Conservation Commission agreed at its meeting held on 9 November 2009, to approve the excision of a further portion of Reserve 49220 (approximately 0.7ha - north of, and including, Poore Grove), once again for amalgamation with the City's existing landholdings within Woodman Point Regional Park.

DEC is aware that the proposed excision does not meet any of the exemptions specified under Section 45 of the *Land Administration Act 1997*, and that a Reserves Bill will therefore need to be prepared. Correspondence from the Department of Regional Development and Lands to the City of Cockburn dated 14 October 2009 confirming this is noted. DEC is likely to include the proposed excisions in a State Forests and Reserves Bill currently being prepared by the Department, however please be aware that this process will take some time to complete.

It is understood that the Reserves Bill will require the preparation of a Crown Diagram of Survey, and in this regard, it is requested that the City liaise with the Department of Regional Development and Lands (State Land Services Section - contact Terry Hanson Ph. 9347 5137) in relation to the issuing of a survey instruction. Please be aware that a copy of the Diagram of Survey will need to be sent to DEC for checking, prior to its finalisation. DEC notes your advice that the City is prepared to meet all costs associated with survey.

Additionally, if all necessary approvals are gained and development commences prior to formal excision of the affected area, DEC requests legal indemnity from the City of Cockburn from the time it commences occupation of the site (for development purposes). In the past, where DEC

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has managed land on behalf of another authority, it has provided legal indemnity to that authority using the following wording:

"The Executive Director of the Department of Environment and Conservation of 17 Dick Perry Avenue, Kensington, in the State of Western Australia agrees to indemnify and keep indemnified the [authority and full address] against all proceedings actions suits claims demands costs and losses ("Losses") to the extent such Losses are incurred by the [authority] as the result of the negligence or wilful act of the Executive Director its officers agents or contractors."

DEC would be satisfied if the same/similar wording were to be used in any written indemnity provided by the City.

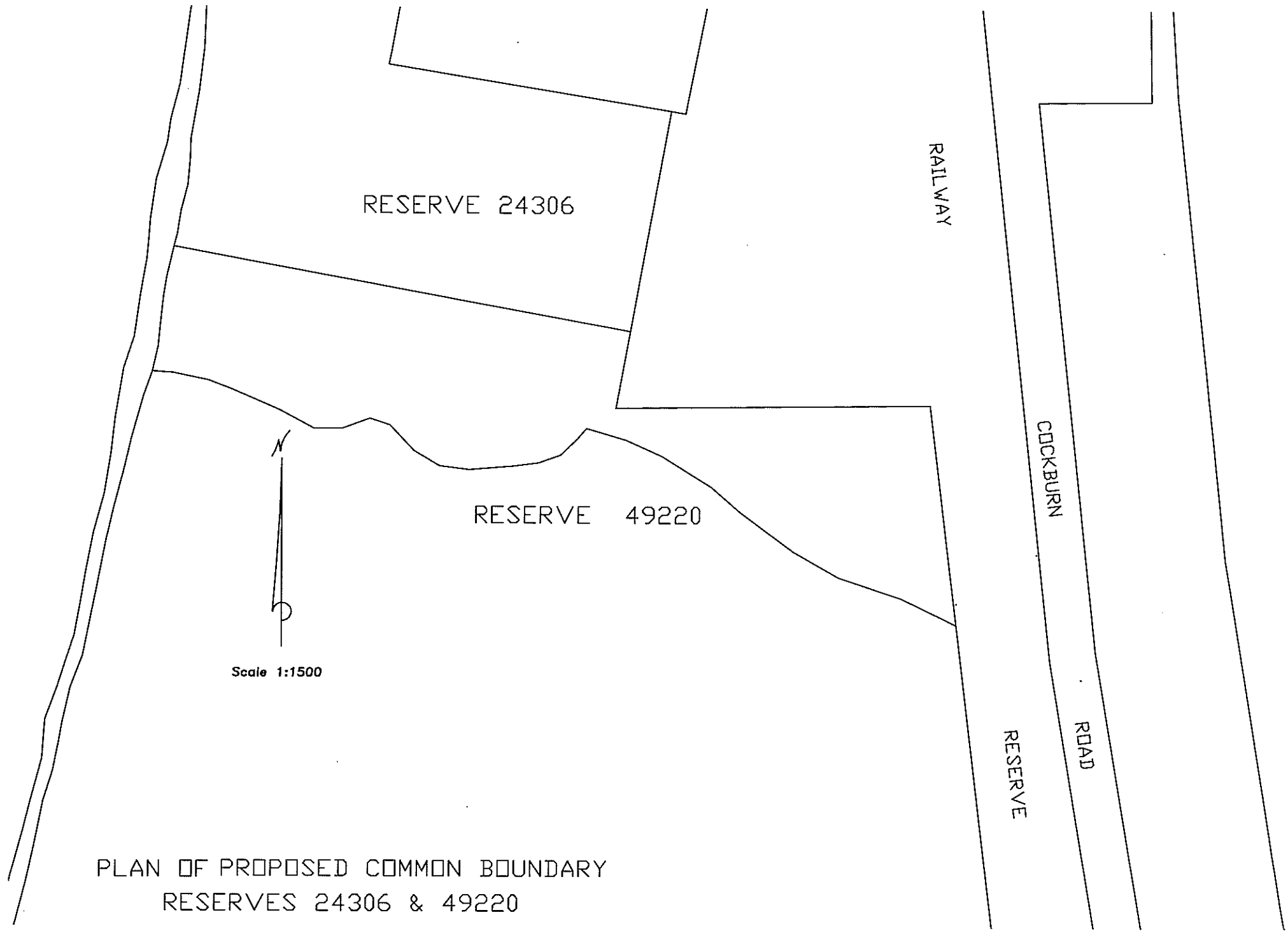
If you have any questions in relation to the above, please don't hesitate to contact Simon Dobner of this office on telephone number 9431 6500.

Yours sincerely



Brendan Dooley
A /Manager, Community and Regional Parks Branch

15 December 2009



RESERVE 24306

RESERVE 49220

RAILWAY

COCKBURN

ROAD

RESERVE

N

Scale 1:1500

PLAN OF PROPOSED COMMON BOUNDARY
RESERVES 24306 & 49220