

10.1.2 Consent to advertise, dedication a portion of Burt Parkway, Nunile.

Date of Report:	1 July 2026
Applicant or Proponent:	Shire of Toodyay
File Reference:	RV48170
Author:	P Nuttall – Executive Manager Planning and Regulatory Services
Responsible Officer:	P Nuttall – Executive Manager Planning and Regulatory Services
Previously Before Council:	Nil
Author's Disclosure of Interest:	Nil
Council's Role in the matter:	Executive
Attachments:	Nil

PURPOSE OF THE REPORT

To request Council to commence advertising for the excision of land from Reserve 48170 to become a dedicated public road, known as Burt Parkway.

BACKGROUND

Reserve 48170 (C Class) is a reserve for *Public Recreation* vested to the Shire of Toodyay under a Management Order. While it is not unusual for a Crown Reserve to contain a road or carpark, in this case the land is proposed to form a new dedicated access route that connects the road network through the Foggarthorpe Structure Planning area.

There is no additional burden upon the Shire in supporting this change to land tenure, as the transfer of the carpark and roadway from the reserve to a public road, as they both will remain Shire responsibilities. As this formed carriageway is not dedicated, it creates complications for service authorities wishing to installation of service infrastructure. Also, it creates issues for the purposes of bushfire planning. currently this route requires an exemption, because it is not a public road.

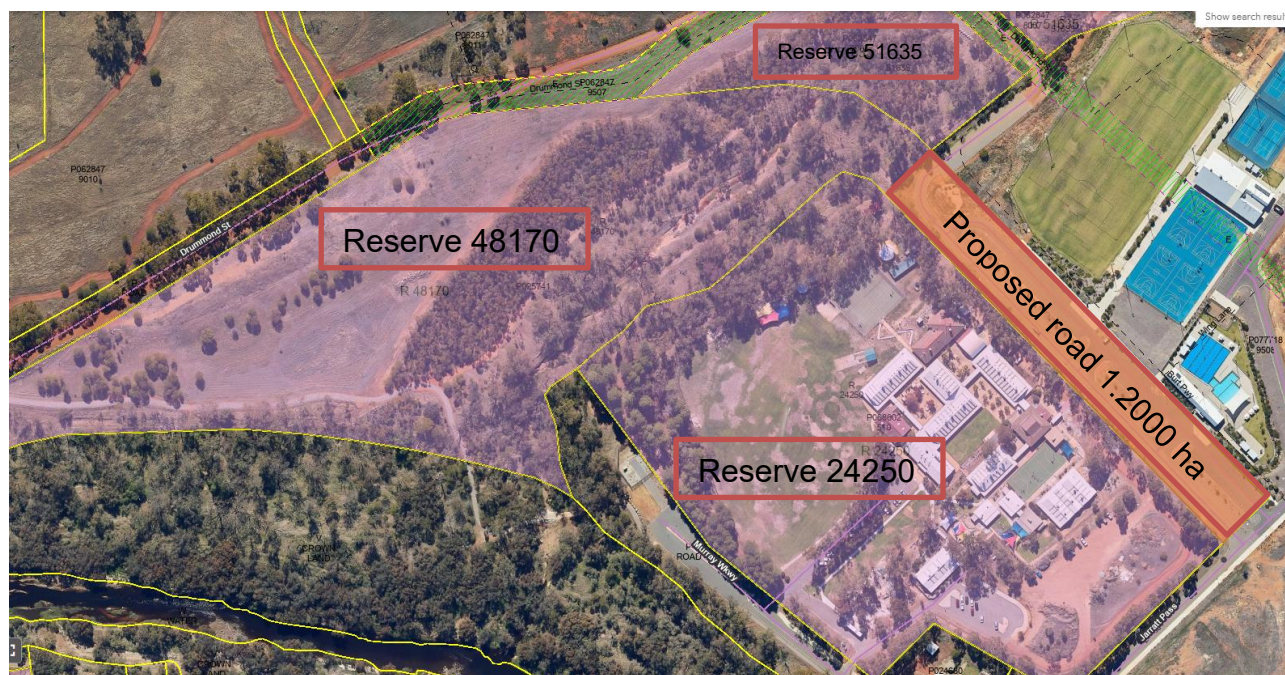
Within the original Foggarthorpe Structure Plan this land was intended as a parkland buffer between houses and the school. With the Amendment 1 to that Structure Plan and the use of the land as a recreation and aquatic centre, a perimeter road and carpark was constructed around the facility. The creation of Burt Parkway to form a perimeter road was not anticipated but now creates an informal trafficable road linking Drummond Street to the north and the River Hills Estate to the south. Dedication of this land thus supports a continuous public road network.

COMMENTS AND DETAILS

Reserve 48170 has an existing land area of about 9.2839 ha and is proposed to be reduced by about 1.2000 ha for the proposed road dedication. This is about 13% of the total reserve

area. It should be noted that Reserve 48170 is unsurveyed, and a Crown land Survey will be required to complete this action.

Without this portion of land being dedicated as a public Road, various service authorities will be hesitant in installing service infrastructure in this corridor, potentially creating easements and delays to future development to the north.



Actions

For the Shire to effectuate the dedication of this portion of road as a public road, we must request the Minister for Lands to dedicate a portion of Crown Reserve 48170 as a road pursuant to s.56 of the *Land Administration Act 1997*. This will require a modification to Reserve 48170 to reduce its area by this action.

IMPLICATIONS TO CONSIDER

Consultative:

Regulation 8 of the *Land Administration Act regulations 1998 - Part 2* sets out the procedures to be followed for advertising of this action. 30 days of public advertising is required to satisfy the Minister of Lands.

An advert requesting comment will be needed to be published in a local newspaper.

Strategic:

- 5.1 - Provide responsible planning and development.
- 6.1. Keep a persistent focus on building a safe, efficient road network.

Financial:

Nil. For this stage of the process.

After advertising, and consent of Council, the Shire will Indemnify the Minister for Lands against any claim for compensation related to the request, pursuant to s.56(4) of the *Land Administration Act 1997*.

Legal and Statutory:

Actions for the dedication of a Road and the modification of a Crown Reserve are conducted under the *Land Administration Act 1997* and its associated regulations.

Risk related:

The risk to the Shire is **Low** when the correct procedures are followed. The Risk in progressing this Crown Land Action is **Low** as the land is already deemed to be a public road, this action formalises correct procedures to dedicate a road.

Workforce related:

Nil

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION NO. OCM170/08/26

MOVED Cr M Dival

SECONDED Cr R Madacsi

That Council commence advertising for a period of no more than 30 days for the proposed dedication of Burt Parkway, Nunile as a public road.

Voted For: Crs M McKeown, M Dival, R Madacsi, S McCormick, R Mills and S Van der Heyden

Voted Against: Nil

MOTION CARRIED 6/0