

ADDENDUM TO 14.4.4 REMOVAL OF CROWN GRANT TRUST – LOT 18 ON DP 147856

Applicant	Department of Planning, Lands and Heritage
File No.	0809
Attachments	Department of Planning, Lands and Heritage correspondence – Request for Comments
Author	Aaron Wooldridge – Acting Chief Executive Officer
Disclosure of Interest	Nil
Date of Report	20 April 2026
Senior Officer	Aaron Wooldridge – Acting Chief Executive Officer

Summary

This addendum report has been added for the purpose of clarifying the historical relevance to this item.

The Department of Planning, Lands and Heritage (DPLH) has requested that Council provide formal comment on the proposed removal of a Crown Grant Trust affecting Lot 18 on Deposited Plan 147856, located within the Shire of Lake Grace district (commonly associated with the St Francis of Assisi Anglican Church site, 31 Collier Street, Newdegate).

This matter was previously presented to Council at its Ordinary Meeting held on 26 July 2023, where the land and its associated tenure and historical encumbrance were considered in the context of its purpose and use.

The purpose of this report is to enable Council to reconsider the matter considering the Department's current request and determine whether it wishes to:

- Support the removal of the Crown Grant Trust;
- Object to the removal; or
- Provide conditional support subject to specific considerations.

Administration recommends that Council provide no objection, subject to confirmation that the land is not required for any current or future Shire purpose.

Background

The Shire has received formal correspondence from the Department of Planning, Lands and Heritage seeking Council's comment on the proposed removal of a Crown Grant Trust registered on the title of Lot 18 on Deposited Plan 147856 (31 Collier Street, Newdegate).

The subject land is understood to be in Newdegate and historically associated with St Francis of Assisi Anglican Church, forming part of land originally granted for a specific public, community, or institutional purpose under Crown Grant provisions.

Crown Grant Trusts are legacy encumbrances placed on land titles at the time of original alienation from the Crown. These trusts typically impose restrictions or obligations regarding how the land is to be used, often for:

- Religious or community purposes;

- Public benefit or service provision;
- Specific institutional uses tied to the original grant.

Over time, such trusts may become redundant or inconsistent with current land use, particularly where:

- The original purpose has ceased or diminished;
- The land tenure has evolved; or
- The restriction is no longer practical or enforceable.

The Department is now progressing a review of the trust and has requested input from the Shire as the relevant Local Government authority.

Importantly, this matter is not new to Council, having been previously considered at the Ordinary Council Meeting held on 26 July 2023, where the land, its status, and its ongoing relevance to community or public purposes were discussed. The current request represents a continuation of that process, now requiring formal comment to inform the State's determination.

Comment

In forming a response, Administration has assessed the proposal against key Local Government considerations, including:

- Whether the land continues to serve a meaningful public or community purpose;
- Whether the Shire has any current or future operational, infrastructure, or strategic interest in the land;
- Whether removal of the trust would impact:
 - public access;
 - adjoining landowners;
 - heritage or cultural significance; or
 - reserve or utility functions;
- Alignment with planning and land use objectives within the district.

Based on available information and prior consideration by Council, Administration considers that:

- There is no identified current operational requirement for the land by the Shire;
- There is no known strategic or infrastructure dependency linked to the trust condition;
- The removal of the trust is unlikely to result in adverse impacts, provided appropriate due diligence is confirmed by the State.

Accordingly, it is considered reasonable and appropriate for Council to adopt a no objection position, subject to safeguards.

Legal Implications

The removal of a Crown Grant Trust is administered by the State through the Department of Planning, Lands and Heritage under relevant land administration legislation.

Council's role is advisory only through provision of local comments and does not itself remove the trust.

There are no direct legal implications to the Shire in providing comment, provided Council's position is based on current known land use and strategic requirements.

Policy Implications

Nil direct policy implications identified.

The proposal should remain consistent with Council's land governance, public asset stewardship, and strategic planning principles.

Consultation

Alan George - Chief Executive Officer

Aaron Wooldridge – Acting Chief Executive Officer

External – Department of Planning, Lands and Heritage

Further consultation may be undertaken if Council requires additional land history or mapping confirmation.

Financial Implications

Nil direct financial implications to the Shire arising from providing comment.

Future implications would only arise if the land were later identified as having a strategic or operational purpose for the Shire.

Strategic Implications

This item aligns with Aspire 2033 - Shire of Lake Grace Strategic Community Plan

Objective	Environment Objective - Protect and enhance our natural and built environment
Outcome	4 - A well maintained attractive built environment servicing the needs of the community
Strategies	4.1 - Maintain, rationalise, improve or renew buildings and community infrastructure
Objective	Social Objective - A valued, healthy and inclusive community and lifestyle
Outcome	6 - Maintain and enhance services and infrastructure that meets the needs of the community
Strategies	6.3 - Actively promote and support local events and activities for the community

Objective	Leadership Objective - Strong governance and leadership, demonstrating fair and equitable community values
Outcome	8 - A strategically focused, unified Council functioning efficiently
Strategies	8.3 - Provide strategic leadership and governance

Voting Requirements

Simple Majority

RECOMMENDATION / RESOLUTION

RESOLUTION

Moved: Cr

Seconded: Cr

That Council:

1. Notes the correspondence from the Department of Planning, Lands and Heritage seeking Council comments on the proposed removal of the Crown Grant Trust over Lot 18 on Deposited Plan 147856 (31 Collier Street, Newdegate);
2. Notes that the matter was previously considered by Council at its Ordinary Meeting held on 26 July 2023;
3. Advises the Department that it has no objection to the removal of the Crown Grant Trust, subject to there being no adverse impact on any existing or future public purpose, access, reserve, heritage, or operational requirements of the Shire; and
4. Authorises the Acting Chief Executive Officer to provide Council's comments accordingly.

CARRIED

For:

Against: