

3.3: REVIEW OF DELEGATION FOR CROWN RESERVES

Summary of Key Point : Review of Council delegation for Crown Reserves
Responsible Officer : Executive Director Works & Services (K Ketterer)

IN BRIEF

- Review of Council Delegations for Crown Reserves

ITEM 3.3: RESPONSIBLE OFFICER RECOMMENDATION

That Council **ADOPT** the reviewed delegation for Crown Reserves as follows:

(ABSOLUTE MAJORITY)

That, under section 3.54 of the *Local Government Act 1995* and under Part 4 of the *Land Administration Act 1997 (Reserves)* the CEO be delegated authority to process requests related to Crown Reserves.

Conditions:

- Creation and Change of Purpose of a Crown Reserve must be compliant with City Town Planning Schemes.
- Authority to approve and comment on requests from the Crown be limited to leases not requiring any structures to be built.
- Asset Management Plans adopted by Council – Roads, Reserves – Natural and Developed, and Drainage
- City of Albany Bushfire strategy

Applicable legislation/policy:

- City of Albany 2020 Strategic Plan
- City of Albany Town Planning Scheme
- Asset Management Plans adopted by Council – Roads, Reserves – Natural and Developed, and Drainage
- City of Albany Bushfire strategy

CEO:

RESPONSIBLE OFFICER:

BACKGROUND

1. Under the provisions of the Local Government Act 1995, a local authority may delegate some of its powers and duties to the Chief Executive Officer or Committee's of Council to help facilitate the many services it provides to the community.
2. At least once every financial year, the powers and duties delegated under the Local Government Act are required to be reviewed by the delegator.

DISCUSSION

3. The Department of Lands is receiving regular requests from government departments and private citizens, about possible amendments to Crown reserves that are referred to the local authority for comment. These requests are in addition to the normal number of requests of this nature received from the Department, which are very few annually. It is clear that the Department is considering all their land holdings, and making an attempt to "regularise" their management and allocate this responsibility to the most appropriate authority, or to dispose of the land. These requests are sent to most authorities for comment, and the Department makes a final decision regarding any land in question upon receipt of all comments.
4. In this regard, the City is being requested input on proposed disposal of land, amendments to management orders, combining of areas under management and similar matters. Some specific examples of the type of minor requests are:
 - Re-alignment of reserve boundaries
 - Changes of purpose of Reserves
 - Closure of Right Of Ways
 - Management order changes and
 - Potential land sales by the Crown
5. Many of the requests are of a minor nature, which could be dealt with administratively, as direction is provided via adopted Council documents such as:
 - City of Albany 2020 Strategic Plan
 - City of Albany Town Planning Scheme
 - Asset Management Plans adopted by Council – Roads, Reserves – Natural and Developed, and Drainage
 - City of Albany Bushfire strategy
6. Where a request would require a strategic decision, not covered by an existing policy or strategy, such a request would be referred to Council for consideration. Examples in this category include items such as The Waterfront development, Landcorp Emu Point land development, requests for changes to A class reserves.

STATUTORY IMPLICATIONS

Delegation to CEO

7. Section 5.42 of the Act enables the delegation of some powers and duties to the Chief Executive Officer:

“1) A local government may delegate to the Chief Executive Officer the exercise of any of its powers or the discharge of any of its duties under this Act other than those referred to in section 5.43.

A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.”

Delegations to be reviewed every financial year

8. Under the provisions of section 5.46 (2) of the Act, delegations must be reviewed by the delegator at least once every financial year.
9. The current delegation for Crown Reserves approved by Council in December 2010 is as follows -

“CROWN RESERVES

That, under section 3.54 of the *Local Government Act 1995* the CEO be delegated authority to process requests related to Crown Reserves.

Conditions:

- Creation and Change of Purpose of a Crown Reserve must be compliant with City Town Planning Schemes.
- Authority to approve and comment on requests from the Crown be limited to leases not requiring any structures to be built.

Applicable legislation/policy:

- *Local Government Act 1995, sections 5.43 (Limits on delegation to CEO) 3.54 (Reserves under control of local government)*
- *Land Administration Act 1997*
- *Parks and Reserves Act 1895*

Consulted References	Local Government Act 1995 (Act) Interpretation Act 1984 Land Administration Act 1997 Better Practice Review – City of Albany – Interim Report – July 2010
File Number (Name of Ward)	PE.AUT.1 (All Wards)
Previous Reference	OCM 14.12.10 item 4.3