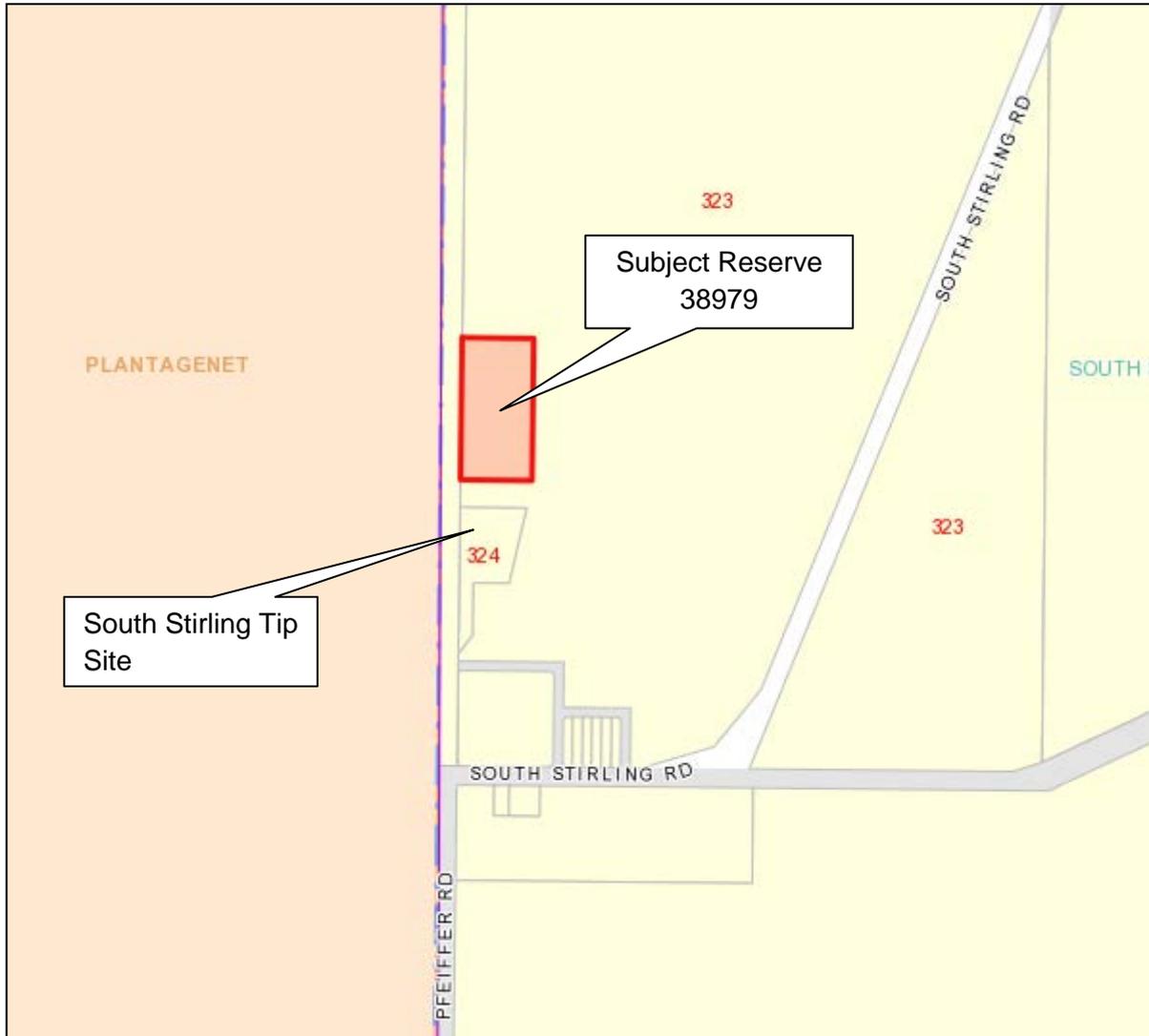


4.3: RESERVE 38979 – PROPOSED AMENDMENT TO RESERVE PURPOSE AND SURRENDER OF MANAGEMENT ORDER

| | |
|-------------------------------|---|
| Land Description | : Reserve 38979 Lot 8 South Stirling Road, South Stirling |
| Proponent | : Department for Regional Development and Lands |
| Owner | : Crown Land vested in the City of Albany |
| Attachment | : Aerial photograph |
| Responsible Officer(s) | : Executive Director Corporate Services (G Adams) |

Maps and Diagrams:



IN BRIEF

- At the request of the Department for Regional Development and Lands, Council is requested to consider the change of purpose of Reserve 38979 from 'Rubbish Disposal Site' to 'Conservation'. In addition, the Department of Environment and Conservation has sought the management order for this reserve, which if supported by Council, will necessitate the surrender of the City's existing management order.

CEO:

RESPONSIBLE OFFICER:

**4.3 RESPONSIBLE OFFICER RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY****THAT Council:**

- i) **AGREES** to revoke the Management Order for Reserve 38979 held by the City of Albany, pursuant to section 50 of the *Land Administration Act 1997*.
- ii) **AGREES** to the purpose of Reserve 38979 being amended from 'Rubbish Disposal Site' to 'Conservation', pursuant to section 51 of the *Land Administration Act 1997*.
- iii) **SUPPORTS** the granting of a Management Order for Reserve 38979 to the Department for Environment and Conservation, pursuant to section 46 of the *Land Administration Act 1997*.

BACKGROUND

1. On 24 February 2001, the Management Order for Reserve 38979 Lot 8 South Stirling Road was issued to the City of Albany for the purposes of 'Rubbish Disposal Site'. This management order superseded the original vesting of the reserve in the Shire of Albany in approximately 1984, which was also designated for rubbish disposal purposes.
2. While the history of the South Stirling rubbish disposal site is not well known or documented, it is understood that soon after the vesting of the reserve in 1984, the public started to dump rubbish in the area. It appears the dumping also occurred in the surrounding unallocated Crown land, rather than in the reserve designated for rubbish disposal purposes.
3. The South Stirling rubbish disposal site has been developed south of Reserve 38979 and this reserve remains as uncleared remnant bushland.
4. This situation became apparent in 2010/11 when the City investigated the potential upgrade of the South Stirling rubbish disposal site and it was determined that the site was located in unallocated Crown land. As such, the City did not have the care, control and management of this land.
5. The City has since undertaken an extensive land administration process to excise the rubbish disposal site from the unallocated Crown land and create a reserve. On 23 January 2012, the Department for Regional Development and Lands advised that Reserve 51085 has been created for the purpose of Landfill Site and Transfer Station and the management order has been issued in favour of the City of Albany.
6. Part of the land administration process observed included a Notice of Intent to Take (NOIT) under the *Land Administration Act 1997*, which includes a public advertising period. During the advertising process, the Department for Environment and Conservation expressed an interest to take over the management of this land in order to protect the remnant vegetation within the Reserve. The adjoining land in the Shire of Plantagenet (Reserve 26688) is an "A" Class reserve managed by the Department of Environment and Conservation.

7. The Department for Regional Development and Lands are now progressing this request from the Department for Environment and Conservation and have asked that the City support the change of purpose of Reserve 38979 to 'Conservation'. In addition, the City has been requested to revoke their existing management order for the land to allow it to be managed by the Department for Environment and Conservation.

DISCUSSION

8. The City does not actively manage Reserve 38979, though if there were any issues (such as fire control, weed infestation, illegal dumping, erosion etc) on this reserve, it would be the City's responsibility to address these concerns, because the City currently holds the management order for the land.
9. While there are proposals to upgrade the South Stirling waste facility at some time in the future, there is now sufficient land available in the new Reserve 51085 for any future upgrading and/or expansion plans.
10. The City's Waste Management Team has advised there are no intentions to utilise Reserve 38979 and there would be no objection to the management order for this reserve being surrendered.
11. There are no concerns raised with the Department for Environment and Conservation managing this reserve, in conjunction with the adjoining Reserve 26688, ensuring the long term protection of the remnant vegetation on the land.

GOVERNMENT CONSULTATION

12. This matter has been initiated by the Department for Regional Development and Lands as a result of recent discussions with the Department of Environment and Conservation.
13. The City has consulted with the Department of Regional Development and Lands throughout the process of investigating the future arrangements for this reserve.
14. No other government agency has been contacted.

PUBLIC CONSULTATION / ENGAGEMENT

15. Under the *Land Administration Act 1997*, there is no requirement to seek, or advertise these changes for public comment. Further, the proposal is unlikely to impact on any nearby landowners as it is a change to land title only and will not impact on the current use of the land.

STATUTORY IMPLICATIONS

16. Section 41 of the *Land Administration Act 1997* allows the Minister for Lands to reserve Crown land for one or more purposes in the public interest.

17. Section 46 of the Land Administration Act 1997 allows the Minister for Lands to place the care, control and management of a reserve in a person or management body, subject to any conditions the Minister may specify.
18. Section 50 of the *Land Administration Act 1997* allows the Minister for Lands to revoke a management order for a Crown Reserve where the management body agrees that it should be revoked. The City of Albany is the management body for the subject reserve.
19. Section 51 of the *Land Administration Act 1997* allows the Minister for Lands to cancel, change the purpose or amend the boundaries of a reserve.

STRATEGIC IMPLICATIONS

20. This item relates directly to the following elements of the City of Albany Strategic Plan (2011-2021):

Key Focus Area

Organisational Performance

Community Priority

Policy and Procedures

Proposed Strategies

Develop clear processes and policies and ensure consistent, transparent application across the organisation.

POLICY IMPLICATIONS

21. There are no policy implications relevant to this item.

RISK IDENTIFICATION & MITIGATION

22. The risk identification and categorisation relies on the City's Risk Management Framework.

| Risk | Likelihood | Consequence | Risk Analysis | Mitigation |
|--|-----------------|--------------|---------------|--|
| <i>The reserve remains under the control of the City, requiring staff time to oversee the reserve and the possible allocation of resources and a budget allowance for the future management of the land.</i> | <i>Possible</i> | <i>Minor</i> | <i>Medium</i> | <i>City allocates resources & budget expenditure for the future care and maintenance of this land.</i> |

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FINANCIAL IMPLICATIONS

23. There are no financial implications relevant to this item, with the exception of staff time to progress the administrative aspects of the proposed changes to Reserve 38979. Though, majority of the administrative process will be undertaken by the Department for Regional Development and Lands.

LEGAL IMPLICATIONS

24. There are no legal implications relevant to this item.

ALTERNATE OPTIONS

25. Council may:
- a. Support the recommendation to revoke the Management Order for Reserve 38979 and allow it to be managed by the Department for Environment and Conservation for conservation purposes;
 - b. Retain Reserve 38979 under the existing City's management order, however seek an alternative purpose of "Conservation" to reflect the current and likely future use of this land parcel; or
 - c. Retain Reserve 38979 under the City's management order and allow the existing purpose of "Rubbish Disposal Site" to remain.

SUMMARY CONCLUSION

26. Given that the City does not actively manage this land or have any future plans for its use, the proposal to change the purpose of Reserve 38979 to 'Conservation', and allowing the Department for Environment and Conservation to assume its management, is reasonable.

| | | |
|-----------------------------------|---|------------------------------|
| Consulted References | : | Land Administration Act 1997 |
| File Number (Name of Ward) | : | WM.PLA.9 |
| Previous Reference | : | No previous references |