



City of Albany

Crown Reserve Disposal Report

Crown Reserve 45849 Lot 1 on Diagram 92592

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1. Crown Reserves that have been vested under Section 20 of the Town Planning and Development Act 1928 (now section 152 of the Planning & Development Act 2005) are owned by the State of Western Australia.
2. When a Reserve is created in this way, their purpose is to provide for future public amenity and as such, their disposal is not generally supported unless a local government can demonstrate that this land is no longer required.
3. The objective of this Crown Reserve disposal report is to provide a detailed assessment of the identified Crown Reserve proposed for disposal. This will inform the public as well as service providers, stakeholders and the Department of Planning Lands & Heritage, enabling them to make a decision to either support or reject the proposed Crown Reserve disposal.

Lot 1 on Diagram 92592





Background

4. In 1995 the landowners of the original parent lot (Plantagenet Location 7 Pt 96) applied to the then Shire of Albany to subdivide this land. Initial conditions required a public open space contribution which was amended to a condition requiring that a 1120m² portion of land to be vested with the Crown as a Reserve for Recreation. This subdivision was finalised in 1997.
5. The City of Albany were issued a Management Order over this Reserve 45849 in 1999.
6. At this time, the Reserve was only accessible from the adjoining private lot or by crossing over a private drain to the south.
7. Two further subdivisions of the surrounding land in 2008 and 2009 failed to improve public access to this land. The 2009 subdivision resolved the matter of the private drain and a Management Order for drainage Reserve 50057 was issued to the City of Albany in 2009.
8. In 2020 the adjoining freehold land was sold (Lot 151 on Deposited Plan 61153). The new landowner of the adjoining freehold land approached the City to purchase the Reserve.

Connectivity and land use assessment

9. Reserve 45849 is bordered by private freehold land (Lot 151 on Deposited Plan 61153) to the east, north and west with the southern boundary abutting drainage Reserve 50057.
10. The private freehold land is fully fenced however there is no delineation between this land and Reserve 45849.
11. The drain reserve to the south has steep sides and is vegetated with various weed species and remnant native vegetation.
12. The City of Albany have not managed Reserve 45849 due to an inability to safely access the site.

13. The reserve appears to have been maintained by the landowners of the adjoining private lot since its creation in 1999. The current landowner of the adjoining land has been actively maintaining the reserve since 2020.

Planning considerations

14. The proposed disposal of Reserve 45849 has been considered at officer level and is supported in principle by the City of Albany. However it should be noted that future development of the land will be considered based on applicable considerations of the local and state planning frameworks, including identified constraints and limitations that may impact future development including coastal hazard risk (inundation).
15. Therefore, to ensure that future development appropriately responds to mitigate identified coastal hazard risk, the City of Albany recommends that following disposal of R 45849, a notification pursuant to Section 165 of the *Planning and Development Act 2005*, be placed on the Certificate of Title of the proposed lot created through the subsequent amalgamation process.
16. Notice of this notification is to be included on the diagram or plan of survey (deposited plan), with the notification to state as follows:

"This lot is located in an area likely to be subject to coastal erosion and/or inundation over the next 100 years from the date this notification is registered."

Summary

17. Reserve 45849 was created as a condition of a freehold subdivision in 1997 however has not been used for the purpose which it was intended i.e. a reserve for recreation.
18. This land is inaccessible to the public and there are no records of the City of Albany maintaining this land or evidence of the public using this land for recreational activities.
19. The owner of the adjoining land has been maintaining the reserve as part of their property and there is no distinguishable boundary between the two land parcels.
20. The future development of the area indicates this land will not be required for public amenity.

Appendices

Photos of Reserve 45948.



Figure 1: Photo points map showing Reserve 45849



Figure 2: Photo point A – Shirley Street looking north-east across drainage reserve into Reserve 45849



Figure 3: Photo point B - Shirley Street looking east along drainage reserve, fronting Reserve 45849



Figure 4: Photo point C - Shirley Street looking east into Reserve 45849. Note fence indicating private property between Shirley Street and Reserve 45849



Figure 5: Photo point D - Shirley Street looking south-east along the private property between Shirley Street and Reserve 45849



Figure 6: Photo point E looking north-west across drainage reserve into Reserve 45849



Figure 7: Photo point F - looking west across drainage reserve into Reserve 45849