

ITEM NO.	C.17/0223	FILE REF.	A25446
SUBJECT	Inclusion of Power to Lease in New Management Order for Reserve 14889 South Western Highway, Yornup		
PROPONENT	Department of Planning Lands and Heritage		
OFFICER	Manager Development Services		
DATE OF REPORT	20 February 2023		

Reason for Urgent Business

Officers were of the view that approval of the change in reserve purpose could be approved as it was consistent with the Council resolution from July 2022 however it was subsequently determined after the agenda was prepared that neither the July 2022 Council resolution or delegated authority allowed approval to be given to the proposal to include the power to for the Shire of Bridgetown-Greenbushes to lease or licence portions of the land. Approval of the proposal this month will allow the change of reserve purpose to be completed and allow the W.A. Bush Fire Museum and Heritage Group Inc. to progress its plans to seek approval to develop a museum within the reserve.

OFFICER RECOMMENDATION

That Item C.17/0223 be accepted as urgent business.

OFFICER RECOMMENDATION

That Council:

1. *Endorse the proposal by the Department of Planning Lands and Heritage (DPLH) to change the purpose of Reserve 14889 from “recreation” to “recreation and community” with inclusion of a Power for the Shire of Bridgetown-Greenbushes to lease or licence portions of the land for periods up to 21 years*
2. *Grant delegated authority to the CEO to approve/accept any proposals to amend a reserve management order to permit the granting of power to the Shire to lease or licence the land.*

Summary/Purpose

Council has previously resolved to seek a change in the purpose of Reserve 14889 South Western Highway, Yornup to a purpose that allows development of a museum plus a continuation of recreational and other activities in association with the adjacent Yornup Hall and Yornup Bush Fire Station.

Lot 7800, Reserve 14889 South Western Highway, Yornup is currently vested in the Shire of Bridgetown-Greenbushes for the purpose of “recreation”. DPLH proposes to change the purpose of Reserve 14889 from “recreation” to “recreation and community” with inclusion of a Power for the Shire of Bridgetown-Greenbushes to lease or licence portions of the land for periods up to 21 years.

Council endorsement of accepting the power to lease or licence is required. As the granting of power to lease or licence is a relatively common clause in a reserve management order, it is recommended council delegate to the CEO the power to approve/accept any such proposal.

Background

For several years the W.A. Bush Fire Museum and Heritage Group Inc. has been keen to develop a bush fire museum within the district. A number of members of the Group are locally based.

The museum would involve construction of a building that is capable of displaying both firefighting vehicles and other artefacts.

A report was presented to Council's July 2022 meeting where the following was resolved:

(C.11/0722) That Council:

- 1. Note the request from the W.A. Bush Fire Museum and Heritage Group Inc. to discontinue its proposal to develop a museum on Lot 7960 (Reserve 24611) South Western Highway, Yornup and therefore no further progressing of Council Resolution C.09/0122 is to occur.*
- 2. Support in-principle the revised proposal for development of a bush fire museum on Lot 7800, Reserve 14889 South Western Highway, Yornup, noting that a change in purpose of Reserve 14889 will be required before further consideration of that proposal can occur, including any development application.*
- 3. Authorises the CEO to submit an application to the Department of Planning Lands and Heritage (DPLH) for changing the purpose of Reserve 14889 to a purpose that allows development of a museum plus a continuation of recreational and other activities in association with the adjacent Yornup Hall and Yornup Bush Fire Station.*

The W.A. Bush Fire Museum and Heritage Group Inc. has engaged with the Yornup Hall Management Committee and that Committee has formally advised the Shire it supports the proposal.

Notwithstanding the proposal to change the purpose of the reserve, a separate development approval process will occur for the proposal. The change in purpose of the reserve in effect allows the W.A. Bush Fire Museum and Heritage Group Inc. to submit a development application.

Officer Comment

Reserve 14889 is vested in the Shire of Bridgetown-Greenbushes for "recreation". The land is undeveloped but is used for some activities in association with the adjacent Yornup Hall which is on a separate reserve, plus vehicle access and parking for the Yornup Hall and Yornup Bush Fire Station.

The land is reserved for 'recreation' under Town Planning Scheme No. 4 (TPS 4). The development of a museum isn't consistent with the purpose of "recreation" therefore a change of purpose of Reserve 14889 has been sought, allowing for the development of civic and cultural buildings, plus continued use of the reserve for recreation. The new purpose of "recreation and community" would allow this use to be developed on the reserve subject to the necessary approvals being obtained.

Statutory Environment

Section 46 of the *Land Administration Act 1997* empowers the Minister for Lands to include leasing powers in management orders granted over reserves. Under this provision, for example, local government can often lease managed reserves, typically for terms up to 21 years and for purposes consistent with the reserve's purpose.

Integrated Planning

- Strategic Community Plan - Nil
- Corporate Business Plan - Nil
- Long Term Financial Plan - Nil
- Asset Management Plans - Nil
- Workforce Plan - Nil
- Other Integrated Planning - Nil

Policy Implications – Nil

Budget Implications

Nil for seeking a change of reserve purpose.

Whole of Life Accounting - Nil

Risk Management - Nil

Voting Requirements - Absolute Majority for granting of a new delegation