



Government of Western Australia
Department of Lands
Regional and Metropolitan Services

SHIRE OF RAVENSTHORPE		
RECORDS		
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OFFICER	TASK	F.Y.A.
CEO		
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MGR ENGINEER		
MGR PLAN / DEV	✓	
RANGER		
REC SERVICES		
TRACER	✓	

Your ref: 13506-1902/02
Our ref: 140075
Job No. George Poppas
Enquiries: (08) 6552 4571
Tel: Email: george.poppas@lands.wa.gov.au

29 August 2014

Manager Planning and Development
Shire of Ravensthorpe
PO Box 43
RAVENSTHORPE WA 6346

Dear Sir

HOPETOUN AEROCLUB AND USE OF RESERVE 7377

I refer to your letters of 17 December 2013 and 14 July 2014 regarding the above and apologise for the late response.

The Department of Lands (DoL) does not consider it appropriate to issue a management order to a private organisation such as the Hopetoun Aero Club for this type of exclusive use. The preferred method of holding the land would be a direct lease from the State of Western Australia to the Club however, this may not be within the Club's financial and management capacity.

Given that the Shire of Ravensthorpe already has the power to lease the reserve it is our view that the best community benefit would come from the Shire remaining as the management body. This way it can recoup some of its expenditure from a leasing arrangement whilst ensuring proper control of this local community asset.

If the reserve is surplus to the Shire's requirements and considered to serve little community benefit then it is expected the land be rehabilitated before the reserve is cancelled and management order revoked.

During deliberations it was noted that in addition to encroaching onto the adjoining Common Reserve 7853 a substantial portion of the runway and a small structure also encroach onto adjoining unallocated Crown land. It also appears that part of the runway protrudes onto the Hopetoun Ravensthorpe Road although I am uncertain whether this is still used.

In order to consolidate the airstrip into one land parcel a future act under the *Native Title Act 1993* (NTA) will be required, regardless of whether a reserve or lease is proposed. Regretfully, recent legal advice suggests that creation of a reserve, and the subsequent issuing of a management order, does not convey a 'grant' of tenure under sections 41 and 46 of the *Land Administration Act 1997*. However, DoL is currently considering this advice.

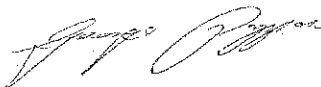
For your information, section 161 of the LAA provides for interests in land to be taken for a public work. An air strip is not defined as a public work in the *Public Works Act 1902* (PWA) however, section 165 of the LAA allows the Minister for Lands (Minister) to compulsorily acquire land where the proposal is not a public work providing the intended 'grant' will be for the purpose of enabling the use or development of the land in a way that confers an economic or social benefit to the State or the relevant region or locality.

As such in order to create that amended reserve (or new lease) compulsory acquisition of all rights and interests must be completed by DoL relying on section 165 of the LAA and section 24MD(6A) and (6B) of the *Native Title Act 1993* (NTA).

DoL will now await your response in relation to the future tenure for the land. In the interim the Shire may wish to consider rehabilitation of the portions of the Crown land that are no longer used for the airstrip.

Should you have any queries please do not hesitate to call this office quoting all reference and job numbers.

Yours faithfully



George Poppas
A/Team Leader Goldfields Esperance Wheatbelt