

Case: 10442
File: 01977-1952

Kaya - Good afternoon,

FUTURE MANAGEMENT OF HAY RIVER RESERVE 23579 AND MORLEY BEACH UCL – SHIRE OF DENMARK

I am the current Senior State Land Officer in the Southwest Great Southern team (SWGS) at the Department of Planning, Lands and Heritage (DPLH) with carriage of Case 10442 in place of previous officer, Lynda Martin, who is now in a new team at DPLH. I am happy to be your point of contact moving forward.

I refer to the attached Memorandum of Understanding (MOU) that the Shire of Denmark (Shire) entered into with the Department of Biodiversity, Conservation and Attractions (DBCA) and the City of Albany (City) regarding Reserve 23579, known as Hay River Reserve, and portions of unallocated Crown land (UCL) adjoining the reserve, dated October 2011.

See attached Aerial and Tenure Maps for reference.

In the MOU at Clause 4.1 and the attached addendum the Shire provided:

“Shire of Denmark is not seeking Pratt Road to be gazetted (as currently referenced in Section 4.1) more so that the current road known as Pratt Road be retained for access purpose to the Hay River foreshore and location 3358..”

During the investigation to rationalise Reserve 23579 it was identified that Pratts Road was gazetted on 10 October 1919 and remains a dedicated road. The omission of the road on the spatial map may have occurred when Reserve 23579 was created. The road was referred to Landgate who has confirmed that Pratts Road is a dedicated road and the spatial data has been amended to reflect the alignment of the road shown on DP 243173 (copy attached).

As evidenced in the aerial map, the constructed road is not within the boundaries of the Pratts Road Isolation. To correct the boundaries of Pratts Road it will be necessary to amend DP 243173 to reflect the constructed road or it may be necessary to cancel the DP and produce a new DP depicting the current alignment.

To facilitate this correction, the Shire would be responsible for the following processes:

- The closure of the misaligned portions of Pratts Road Isolation pursuant to section 58 of the *Land Administration Act 1997* (LAA); and
- The dedication of the correctly aligned Pratts Road pursuant to section 56 of the LAA; and
- Covering the associated Survey costs with both actions and the amended/new Deposited Plan.

The remnant portions of the proposed closed road would then be included into Reserve 23579.

If you require any additional information or have any concerns please contact me, or my Assistant Manager, Matthew Brewer (matthew.brewer@dplh.wa.gov.au).

Kind regards,

Saul Healy

State Land Officer | Land Use Management Metropolitan and South

Department of Planning, Lands and Heritage

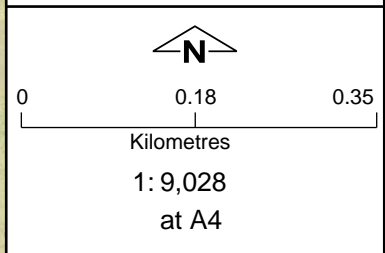
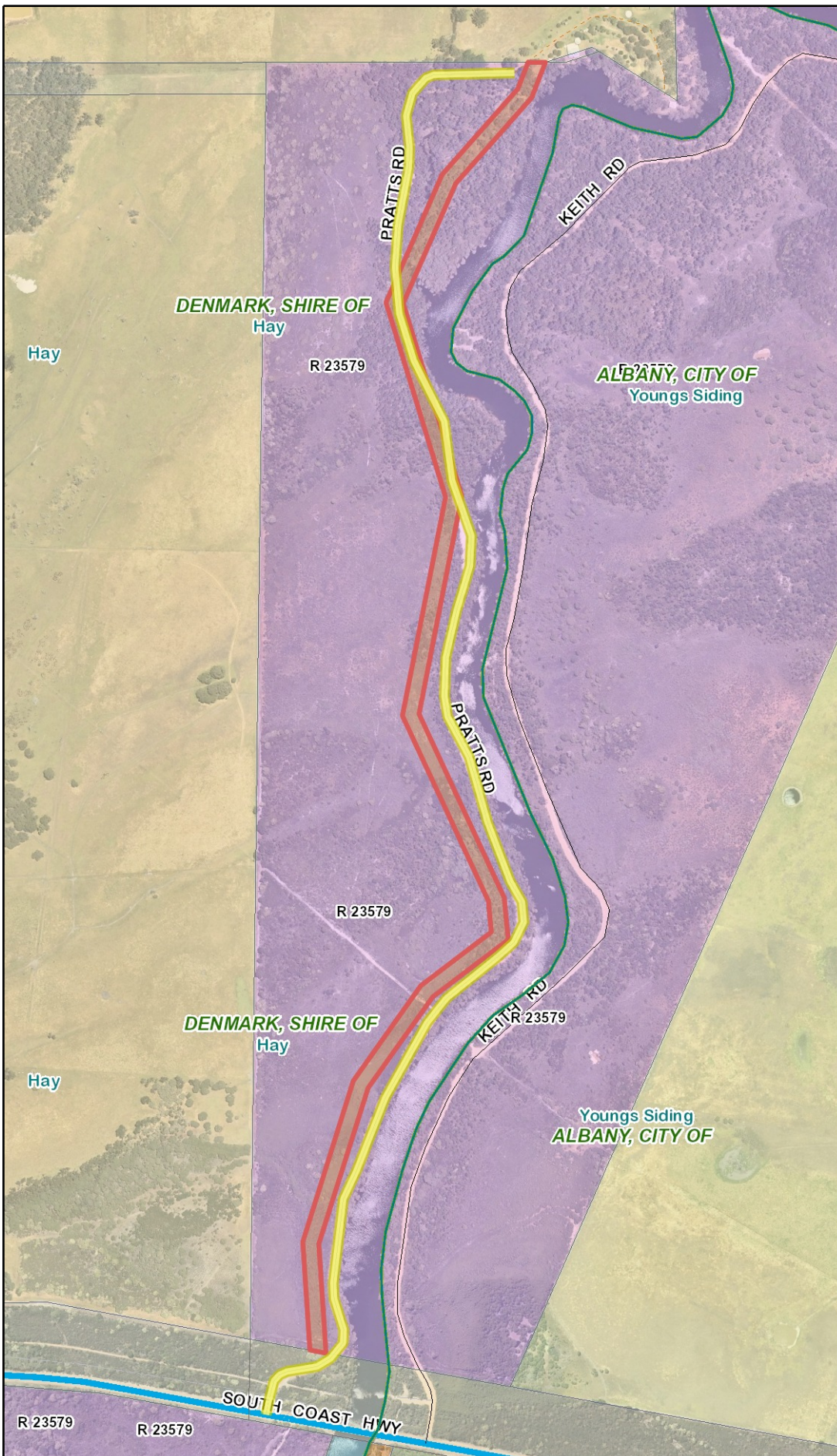
140 William Street, Perth WA 6000

wa.gov.au/dplh | 6551 9078



Legend

- Localities
- Local Government Area
- Cadastral (View 1)
- Roads**
 - State Highway
 - Minor
 - Track
 - Not Applicable
- Land Tenure Small Scale ALL**
 - Water Isolation
- Land Tenure Small Scale 256K**
 - Crown Allotment (Type 2)
 - Lot on Survey (Type 1)
 - Reserve
- Land Tenure Small Scale 64K**
 - Crown Allotment (Type 2)
 - Lot on Survey (Type 1)
 - Public Road
 - Unallocated Crown Land
- Land Tenure Small Scale 16K**
 - Public Road
- Land Tenure Small Scale 4K**
 - Crown Allotment (Type 2)



Notes:

- * The data that appears on the map may be out of date, not intended to be used at the scale displayed, or subject to license agreements. The map should only be used in matters related to Department of Planning, Lands and Heritage business.
- * This map is not intended to be used for measurement purposes.

Tenure Map - Pratts Road (Yellow) and Road Isolation (Red) - Shire of Denmark.

30 July 2024 - Attachment 9.1.1b

DPLH BUSINESS USE ONLY

Internal Spatial Viewer
Projection: WGS_1984_Web_Mercator_Auxiliary_Sphere
Graticules (if visible): GDA 1994 Latitude/Longitude

Date produced: 11-Sep-2023



DEPARTMENT OF ENVIRONMENT & CONSERVATION
 24 OCT 2011
 Corporate Information Section
 KENSINGTON

SRS No. 24106

953 South Coast Highway, Denmark Western Australia 6333

Tel (08) 9848 0300 Fax (08) 9848 1985

DM 651882
 ENTERED
 DATE 31/10/11 BY [Signature]

Our Ref: A3096
 Your Ref: 2009/005618 SRS24106
 Enquiries: Annette Harbron

20 October 2011

Manager, Office of the Director General
 Department of Environment and Conservation
 Locked Bag 104
 BENTLEY DELIVERY CENTRE WA 6983

JR 25/10
 Attn: Jan Rayner

ACTION	NOTE
[Signature]	
	31 OCT 2011
[Signature]	

BRAD
 I cover with clapp.
 [Signature]

Dear Ms Rayner

Re: Memorandum of Understanding – Reserve 23579 Hay River

Further to recent letters dated 25 August 2011 and 8 September 2011 regarding the above matter, please enclosed the endorsed Memorandum of Understanding between the City of Albany, Department of Environment and Conservation (DEC) and the Shire of Denmark pertaining to Reserve 23579 Hay River and Morley Beach Unallocated Crown Land

The Shire looks forward to working with the DEC and the City of Albany in due course on the associated management plan.

Should you require any further information to progress this matter, please do not hesitate to contact the undersigned on telephone (08) 9848 0314 or email dps@denmark.wa.gov.au.

Yours faithfully

Annette Harbron
 Director of Planning & Sustainability

30 July 2024 - Attachment 9.1.1c

→ Brad Barton
 for your attention.

Enc. Endorsed Memorandum of Understanding
 Celebrating 100 years of Local Government in 2011

JR 25/10/11

Memorandum of Understanding

This document represents an agreement between

Department of Environment and Conservation

and

City of Albany

and

Shire of Denmark

in relation to

the management of Crown Reserve 23579, Hay River

1. PURPOSE OF MOU

The purpose of this Memorandum of Understanding (MoU) is to set out the terms of a cooperative and complementary management framework for the future management of Crown Reserve 23579 which straddles the border between the Shire of Denmark and the City of Albany.

This framework will allow for the use and enjoyment of Reserve 23579 by accommodating appropriate recreational opportunities whilst protecting the significant and important biological values of the land, water and inlet.

2. PARTIES TO THE MOU

2.1 Description of collaborating organisations

Department of Environment and Conservation (DEC)

DEC has the lead responsibility for protecting and conserving the State's environment on behalf of the people of Western Australia. This includes managing the State's national parks, marine parks, conservation parks, State forests and timber reserves, nature reserves, marine nature reserves and marine management areas, including the provision of visitor services and facilities within these lands and waters.

DEC's responsibilities include broad roles in conserving biodiversity and protecting, managing, regulating and assessing many aspects of the use of the State's natural resources. DEC identifies and develops appropriate visitor facilities and services at key locations within national parks and marine parks. DEC contributes to the development of environmental protection policies, managing the environmental impact assessment process and carrying out regulatory functions to achieve improved environmental outcomes. DEC is also responsible for the management of contaminated sites and responding to pollution incidents. The department is also responsible for fire preparedness and pest animal and weed control on 89 million hectares of unallocated Crown land and unmanaged reserves.

4. DESCRIPTION OF CROWN RESERVE 23579 AND UCL (MORLEY BEACH)

Crown Reserve 23579 (Reserve) was created on 8 August 1952 as an unmanaged reserve of Class A status. The Reserve is described as Plantagenet Location 3238, 5919 and 7670. The parcel of UCL known as Morley Beach, is an area of 106 ha Wilson Inlet foreshore land on the eastern side of the Hay River mouth.

- 4.1 Pratt Road is to be gazetted a public road, for management by the Shire of Denmark. * Refer attached addendum COEC letter dated 8/9/2011 regarding Shire no longer seeking gazettal of Pratt Road but access still being afforded.
- 4.2 Keith Road is to be gazetted a public road, for management by the City of Albany

5. THE NATURE OF THE COLLABORATION

- This MoU sets out the framework for the future management of the reserve.
- The City of Albany and the Shire of Denmark will assist DEC to secure the vesting of the Reserve and UCL (both described in 4.0) in the Conservation Commission of WA (Conservation Commission).
- The City of Albany and the Shire of Denmark will assist DEC to identify outstanding tenure and management issues that may hinder the future vesting of the Reserve with the Conservation Commission.
- Once the Reserve has been vested in the Conservation Commission, DEC will undertake to prepare a management plan for the Reserve under the Conservation and Land Management Act 1984 (CALM Act), to be released for public comment within two years of the lands being vested in the Conservation Commission
- DEC will consult with the City of Albany, the Shire of Denmark and the community to canvas the views of the community with respect to the management of the Reserve and the development of the management plan. * Refer attached addendum COEC letter dated 8/9/2011 regarding indigenous consultation
- Appropriate recreational uses will be permitted subject to ensuring they do not adversely affect the scenic, cultural or biological values of the Reserve. Consideration of appropriateness will take into account customary recreational uses of the reserves. Camping will not be permitted in the Reserve.
- Both the City of Albany and the Shire of Denmark will endorse the management plan for the Reserve, prior to its authorisation for implementation by the Department. * Refer attached addendum COEC letter dated 8/9/2011 clarifying Council's consideration
- DEC will be responsible for the on-ground management of the Reserve, in line with its powers under the CALM Act, and all reasonable expenses of that management subject to budgetary constraints.
- The City of Albany's role is to provide input into the planning for the management of the Reserve.
- The Shire of Denmark's role is to provide input into the planning for the management of the Reserve, and to participate in an advisory capacity to the ongoing management of the Reserve.

10. SIGNATORIES TO THE MOU

Keiran McNamara
Director General
Department of Environment
and Conservation

Faileen James
Chief Executive Officer
City of Albany

Dale Stewart
Chief Executive Officer
Shire of Denmark

Signed
Keiran McNamara
Date
18 July 2011

Signed
[Signature]
Date
1 August 2011

Signed
[Signature]
Date
20/10/11

Witnessed by
Name
JAN RAYNER
Signature
[Signature]
Date
18 July 2011

Witnessed by
Name
Fran Buswell
Signature
[Signature]
Date
1 August 2011

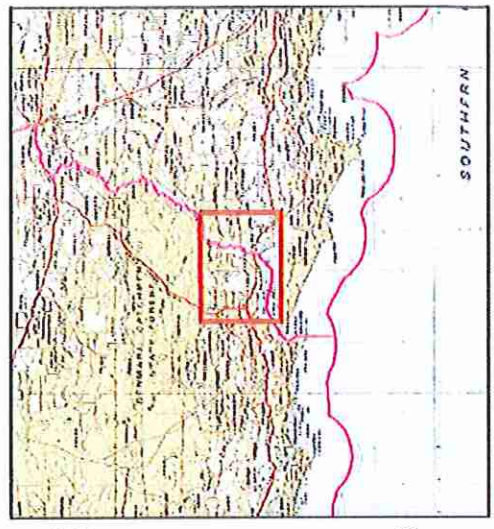
Witnessed by
Name
Aprilie Harbison
Signature
[Signature]
Date
20 October 2011

DGC letter dated 8/9/2011 to
be added as addendum to
this MOU. [Signature]

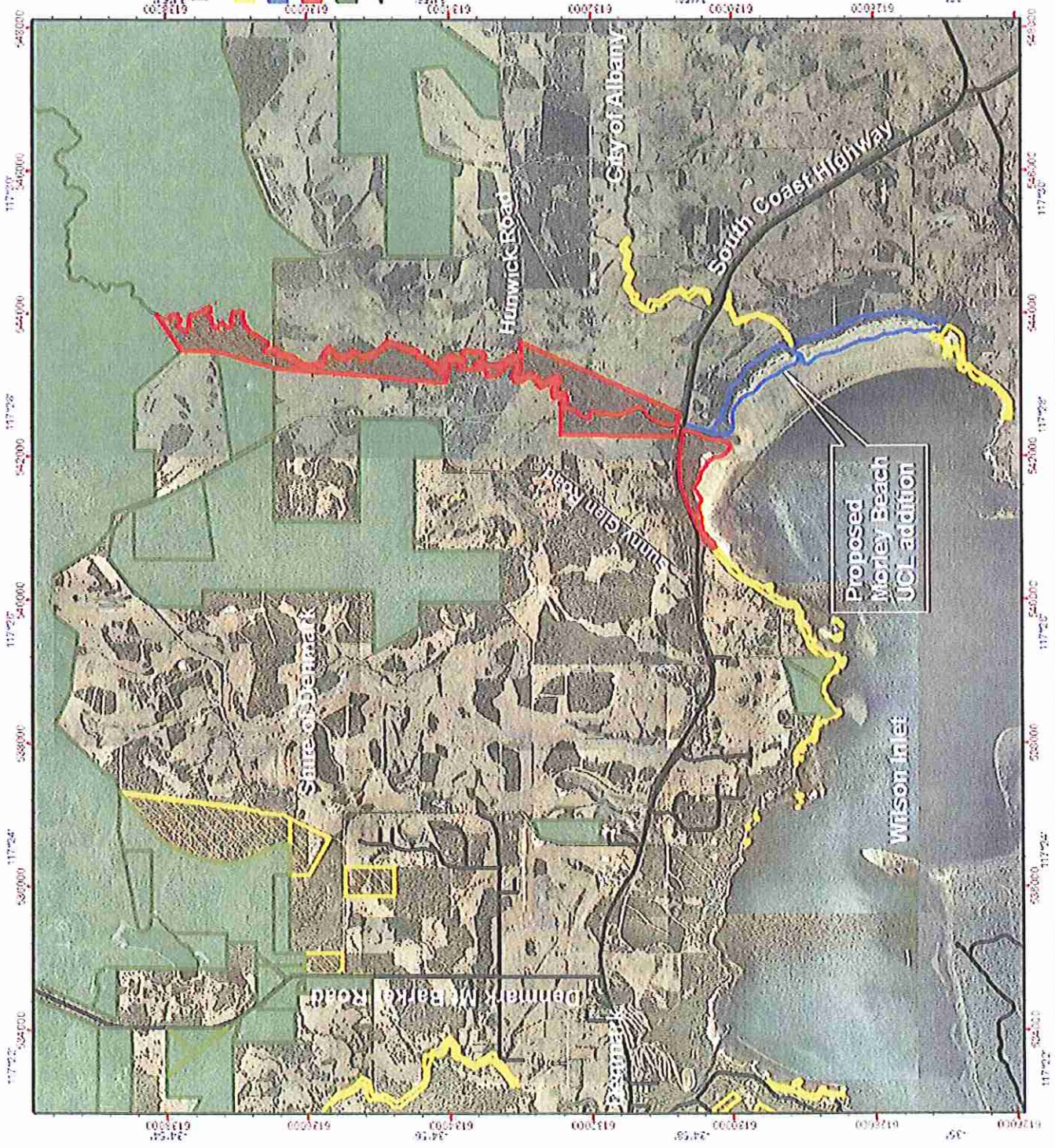
Proposed creation of a conservation park from Crown Reserve 23579 & a portion of Morley Beach UCL

Legend

- Unallocated Crown Land
- Proposed Morley Beach UCL addition
- Crown Reserve 23579
- DEC Estate (statewide)
- Sealed roads



Produced by R Burmuda, Department of Environment and Conservation
 Project: Universal Transverse Mercator
 WGA Zone 50, Datum: GDA94
 Job Ref: 194711, Produced at 11:20am on April 19, 2011



Gridlines shown at 2 minutes intervals
 Grid shown at 2000 metre intervals
 The Dept. of Environment and Conservation does not guarantee that this map is without error or any kind and disclaims all liability for any errors, loss, or other consequences which may arise from relying on any information depicted



Government of Western Australia
Department of Environment and Conservation

Your ref: A3096
Our ref: 2009/005618 SRS24103
Enquiries: Brad Barton
Phone: 97 717 943
Fax: 97 771 363
Email: Brad.Barton@dec.wa.gov.au

Mr Dale Stewart
Chief Executive Officer
Shire of Denmark
PO Box 183
Denmark WA 6333

Attention: Annette Harborn

Re: Memorandum of Understanding – Reserve 23679 Hay River

I'm writing in response to the letter received in this office from the Shire of Denmark dated 26 August 2011 regarding council's resolution (Res No. 140811) on the above matter.

It is noted that council's resolution was determined after the Memorandum of Understanding (MoU) had been signed by the Director General of the Department of Environment and Conservation (DEC) and the Chief Executive Officer of the City of Albany. I apologize for the confusion as DEC believed that previous correspondence received from the Shire of Denmark and changes made to the MoU on the basis of recommendations contained in that correspondence had council endorsement.

Discussions between Annette Harborn, Shire of Denmark Director of Planning and Sustainability and Brad Barton, DEC Warren Regional Leader Nature Conservation have determined that in order to incorporate the resolutions provided by council and to avoid having to amend the MoU and then re-seek signatures from City of Albany and the Director General of DEC that the following option be considered to resolve this matter.

That this letter is added as an addendum to the MoU and the following points are noted and accepted by DEC and the Shire of Denmark as amendments to the MoU;

- Shire of Denmark is not seeking Pratt Road be gazetted (as currently referenced in Section 4.1) more so that the current road known as Pratt Road be retained for access purpose to the Hay River foreshore and location 3358; and
- DEC will consult with the South West Aboriginal Land and Sea Council as a key stakeholder during the preparation of the management plan for the reserve; and
- Subject to being to council's satisfaction, Shire of Denmark will endorse the management plan for the reserve.

Warron Region
Brain Street, Manjilup
Phone: (08) 97 717 988 Fax: (08) 97 771 363
Postal Address: Locked Bag 2, Manjilup, Western Australia 6268
e-mail: Warron.admin@dec.wa.gov.au
www.dec.wa.gov.au

It would also be acceptable and advisable that you provide a notation with your signature referencing this letter and amendments.

I trust this provides an acceptable solution to this matter and you are now able to sign the MoU on behalf of the Shire of Denmark.

Should you have any further queries, please do not hesitate to contact either myself or Brad Barton on telephone 97717988.

Yours sincerely



Peter Keppel
Regional Manager

8 September 2011