

**From:** Tina Mead <[Tina.Mead@dplh.wa.gov.au](mailto:Tina.Mead@dplh.wa.gov.au)>

**Sent:** Friday, 9 October 2020 2:24 PM

**To:** Jerramungup Planning <[planning@jerramungup.wa.gov.au](mailto:planning@jerramungup.wa.gov.au)>

**Subject:** Proposed Lease - Lot 2060 on Deposited Plan 93262 Doubtful Island Bay, Shire of Jerramungup

File 00560-1896

Case 2001949

Good Afternoon,

Currently Lot 2060 on Deposited Plan 93262 is subject to Lease L657501 on Crown Land Title 3126-772 held for the purpose of "Residence". This lease commenced on the 1st April 2011 term of 5 years, with an option for a further term of 5 years. Lease 657501 is due to expire 31 March 2021.

The leaseholders have advised they would like to have a new lease granted over the subject land, commencing the day after expiry of the current lease.

It is noted that the intent of the original lease (issued in 1991) was to enable descendants of settlers of the area to restore the original family homestead. It has been advised that the building cannot be considered a reconstruction of the original homestead, is being utilised as holiday accommodation and has not been re-built in its original location since being destroyed by fire in 1980. The subsequent lease (in 2001) was to enable the lessee time to see if it was possible to acquire some adjoining freehold land to combine with the lease area to possible enable the creation of a stand along lot, although freehold would still be subject to Western Australian Planning Commission approval, Shire approval, access options and pricing.

I am currently seeking the Shire of Jerramungup's and the Department's Land Use Planning division comments about a possible new lease over Lot 2060 on Deposited Plan 93262. Native Title is also a consideration that DPLH will be investigating as this may affect the ability to re-issue a new lease as well as the concern there is no legal access to the lease lot.

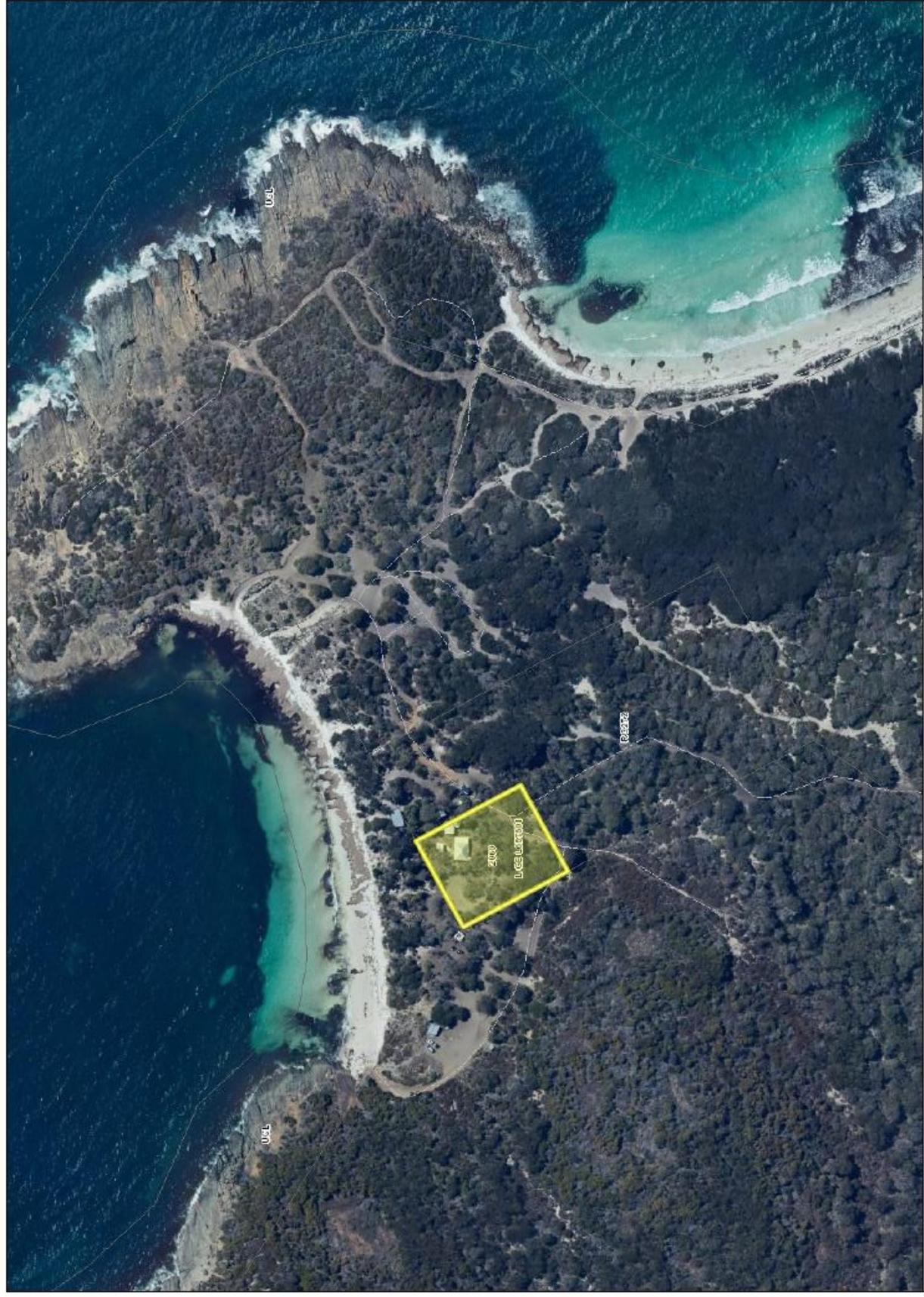
The Shire did provide comments in 2000 via an Ordinary Meeting of Council held on 14 December 1999 and 21 September 1999 (see below), could the Shire of Jerramungup please consider the current proposal to issue a new lease if permissible for a five year period for the purpose of residence and provide any relevant comments.

Kind regards Tina

- Legend**
- Calcasire (View 1)
  -  Roads
  -  Track

**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.

Map was produced using DP/LH's industry.



0.1 Kilometres

0.06

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**Lease L657501 - Lot 2060 on DP 93262**

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<b>SUBMISSION TO:</b>	Health & Building
<b>AGENDA REFERENCE:</b>	04
<b>SUBJECT:</b>	Request for Comment on Land Freehold
<b>LOCATION/ADDRESS:</b>	Kent Location 2060 & Reserve 3272
<b>NAME OF APPLICANT:</b>	Department of Land Administration
<b>FILE REFERENCE:</b>	11.13.2
<b>AUTHOR:</b>	Graeme Bissett
<b>DISCLOSURE OF ANY INTEREST:</b>	
<b>DATE OF REPORT:</b>	14 <sup>th</sup> December 1999

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### ATTACHMENT

### BACKGROUND

At Council's last meeting after a verbal report it was requested that this matter be resubmitted as a formal agenda item.

This matter was originally submitted to Council's September 1999 Ordinary Meeting (minutes attached).

### COMMENT

As advised at the November 1999 meeting DOLA requested feedback on the following proposal in relation to the freeholding of this land:

That the applicants be given a further 10 year lease on expiry of the current lease and if during this lease enough adjoining freehold land can be purchased to combine into one suitably sized rural holding DOLA will freehold the land to the lessees.

The adjoining owners are a company with one-acre shareholders.

This would mean obtaining the whole lot (404Ha) or a lesser portion depending what is required for obtaining subdivision approval.

DOLA seems to believe the current circumstances warrant a 10 year lease renewal.

Creation of a combined single rural type landholding would resolve concerns over the lot size and capacity to set a precedent. It may even solve some of the current problems of multi-share land ownership. A ten year extension of the lease is seen as too long given the Shire's management plan for the coast area. Five years would be more than reasonable.

### STATUTORY ENVIRONMENT

To comply with this proposal a subdivision / amalgamation land approval would be required under the Town Planning and Development Act through the Ministry of Planning.

SIGNED BY PRESIDENT

18 JANUARY 2000

**POLICY IMPLICATIONS**

There are no known policy implications.

**FINANCIAL IMPLICATIONS**

Nil.

**STRATEGIC IMPLICATIONS**

Nil.

**RECOMMENDATION**

That Council support the Department of Land Administration granting the current lessees of Kent Location 2060 a further 5 years lease and the opportunity to obtain freehold if sufficient adjoining land can be purchased to amalgamate into a Rural land holding acceptable to the WA Planning Commission.

**OC129924 Moved: Cr Mudie / Seconded: Cr Crook**

*That Council support the Department of Land Administration granting the current lessees of Kent Location 2060 a further 5 years lease and the opportunity to obtain freehold if sufficient adjoining land can be purchased to amalgamate into a Rural land holding acceptable to the WA Planning Commission.*

**CARRIED 7-1**

Cr McGrath voted against.

**VOTING REQUIREMENTS**

Simple Majority.

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<b>NAME OF APPLICANT:</b>	Department of Land Administration
<b>FILE REFERENCE:</b>	11.13.2
<b>AUTHOR:</b>	Graeme Bissett, Environmental Health Officer/Building Surveyor
<b>DISCLOSURE OF ANY INTEREST:</b>	-
<b>DATE OF REPORT:</b>	21 <sup>st</sup> September 1999

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### ATTACHMENT

#### BACKGROUND

The Department of Land Administration has requested that Council comment on a proposal to freehold the above leased location and create an access easement through reserve 3272 to link this land to a road access (see attached).

The land in question was the original site of the AY Hassell homestead, which burnt to the ground in 1980. It has subsequently been rebuilt in a different location, in a different design. This particular site is dealt with in the Jerramungup Coastal Management Plan (relevant extract attached). The current president of the Jerramungup Coastcare Group has indicated on behalf of the committee that this information is still relevant in regards to this site.

Discussions with the DOLA officer on this matter have indicated the basis of the application to freehold is the significance of the original homestead's site and the structure subsequently rebuilt. The applicant has also stated Council has no objections to the proposal.

It should be noted the Chief Executive Officer has confirmed no such undertaking and advised the applicants it must go to Council officially for a decision.

#### COMMENT

The reason for this application would be to pre-empt the end of the current lease, which expires in 2001 (copy of lease attached).

The important issues for Council to consider in the determination of their stand on this matter are: -

1. The land location/surrounding use
2. The land area
3. The historical significance
4. Coast Care Report recommendations

These points will now be dealt with separately.

**SIGNED BY PRESIDENT**

**19 OCTOBER 1999**

1. The Land Location/Surrounding Use

This land, as can be seen on the attached map, is near house beach in the Doubtful Islands area. This area is remote and accessible by four wheel drive only. There are no services. The land currently appears unzoned but the underlying use of the area is recreation / open space. The nearest land in private ownership is the peppermint beach land, which is zoned rural. If this land is considered to be comparable to a recreation zoning the objectives of this zoning from Council Town Planning Scheme No.1 should be considered in Council's deliberations (relevant objectives attached).

It should also be noted that this area is a popular camping area.

2. The Land Area

As can be seen from the attached details it is proposed to freehold 3000m<sup>2</sup> plus provide the access right of way. Given Council's policy on the Peppermint Beach area nearby the freeholding of such a small lot in comparison to the Rural Residential Minimum of 25,000m<sup>2</sup> if done could be seen as inconsistent. The land area is limited by the existing lease area. To increase the land area size more crown land would need to be converted to private ownership, this is unlikely. Given the nature of the use and underlying potential zoning a subdivision lot this small is to be considered carefully.

3. The Historical Significance

As stated, the main reason this land is being put forward for freehold is linked to its historical significance as a homestead site. The facts of the matter are; the original homestead was significant and worth preserving, the leases subsequently granted revolved around rebuilding the homestead and granting a residential lease, the house was not built in the same location and is different from the original. All that remains of original is some partly uncovered burned rubble. The present site is in the shelter of trees some 100-150 metres away.

4. Coastcare Recommendations

The recommendations of the Jerramungup Coastcare Report (attached) don't consider the possibility of freehold but does recommend caution in any consideration of renewing the existing lease. Discussions with Mr Jamie Allnut the Regional Coastal Facilitator also highlighted the need for caution. Mr Allnut who works closely with the Jerramungup Committee stated there are ongoing management considerations yet to be finalised for this area and the freeholding of this land would pre-exempt these.

The other point raised in the Coastcare Management Plan is this site is a popular camping area and access to this site by the public should be considered. The site is currently fenced and public access is discouraged.

For the above reasons Council support of this proposal is seen as not advisable. Further it is also highlighted Council could request the opportunity to comment on any lease renewal that this then be referred to the Coast Care Committee for comment.

For the above reasons Council support of this proposal is seen as not advisable. Further it is also highlighted Council could request the opportunity to comment on any lease renewal that this then be referred to the Coast Care Committee for comment.

#### **STATUTORY ENVIRONMENT**

This proposal will also be referred to CALM and the Ministry for Planning for comment. They will in all probability oppose this. There are however it appears, no direct legal reasons why Council cannot support this proposal.

#### **POLICY IMPLICATIONS**

As alluded to already, this proposal is indirectly affected by Council's policy on the Peppermint Beach land covered by Town Planning Policy 20 (attached). Additionally this proposal is affected by Council's policy on Coastal Shacks, which is to remove them. This could be a precedent to enable other shack owners to seek similar rights.

#### **STRATEGIC IMPLICATIONS**

As discussed, this proposal could have, if approved, implication on the future of Coastal Management in this area to the detriment of it. Discussions on the zoning of this area to be imposed under the Town Planning Scheme review have indicated a recreation zoning in keeping with the location. The objectives of this zoning tend to exclude a residential use.

#### **RECOMMENDATION**

That Council resolve to advise the Department of Land Administration in relation to the freeholding of location 2060 and access through reserve 3272 the following: -

1. the freeholding of this lot and subsequent need for access through the reserve is not supported.
2. this matter be referred back to Council for further consideration upon application for any further renewal of the current residential lease.

ORDINARY COUNCIL

21 SEPTEMBER 1999

OCO99929 Moved: Cr Griffiths/Seconded: Cr McGrath

*That Council resolve to advise the Department of Land Administration in relation to the freeholding of location 2060 and access through reserve 3272 the following: -*

- 1. the freeholding of this lot and subsequent need for access through the reserve is not supported.*
- 2. this matter be referred back to Council for further consideration upon application for any further renewal of the current residential lease.*

**CARRIED 8 - 0**

**VOTING REQUIREMENTS**

Simple Majority.



SIGNED BY PRESIDENT

19 OCTOBER 1999