



Department of Planning,
Lands and Heritage

Land Use Management

Our ref: 00560-1896 Case 2001949
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AE Van Den Berg, CE Hassell
RW Hassell, PC Hassell and AMS Ohlsen
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NOTIFICATION OF EXPIRY OF LEASE/NON ISSUE OF LEASE

**LEASE OVER LOT 2060 ON DEPOSITED PLAN 93262 CROWN LAND RECORD
3126/772, DOUBTFUL ISLAND BAY, SHIRE OF JERRAMUNUP**

Dear Messrs Van Den Berg, Hassell and Ohlsen

Lease L657501 (Lease) over Lot 2060 on Deposited Plan 93262 (Land) commenced on 1 April 2011 for a period of 5 years, with an option for a further term of 5 years. The Lease was issued to enable the lessees an opportunity to meet planning and compliance requirements, the Lease has since expired on 31 March 2021. No additional further term can be considered under the expired Lease.

The Department of Planning Lands and Heritage has considered the grant of a new lease for the purpose of "Residence" since August 2020. This process has included internal consultation with the Land Use Planning Division at the Department of Planning, Lands and Heritage's (Department) as well as liaison with the Shire of Jerramungup (the Shire).

The Shire's Council resolution of December 2020 also highlighted a number of long standing planning and compliance issues that would preclude the ability of this Department to issue a new Lease over Lot 2060.

Discussion with the Shire regarding your offer of gifting the structures for future use by the Shire would not resolve the compliance and planning issues already flagged and has not been supported by the Shire.

A two month Holding Over period was granted to enable the lessees' recently engaged consultants to better understand the current position and provide a further opportunity to justify why the lessee believes their lease should be renewed, this period will expire on 31 May 2021.

Regrettably, due to the long standing issues remaining unresolved, the lessees are hereby notified that on behalf of the Minister for Lands, I am not prepared to grant a new lease over the Land.

Please refer to Clause 10 of the Lease for your rights and obligations upon expiry of the Lease (extract at Annexure 1 below).

Accordingly, there is a three month period from 1 June 2021 (from the end of the Holding Over period) to remove all improvements and your personal property from the Land. After this date the Department will retake possession of the Land.

As part of the Lease Expiry process, an inspection will be carried out on the Land to ensure the Land has been returned in a satisfactory condition after 1 September 2021. Non-compliance with Clause 10 of the Lease may constitute a breach and the Minister for Lands may take action to remediate the Land at your cost (Clause 11 of the Lease).

If you have any further queries, please make contact on the above details or if you wish to discuss any of the above if required.

Yours sincerely



Jamie Cossmann
**Manager, South West Great Southern
Land Use Management**

26 May 2021

cc. Belinda Moharich
Shire of Jerramungup