

# 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.

### *City of Albany*

The City of Albany is the local government authority for Albany and surrounding hinterland. The City was formed in 1998 through the amalgamation of the Town and Shire of Albany. The City of Albany is responsible for the provision of and management of local infrastructure, strategic and statutory planning, management of Shire reserves, community development programs, and sporting and recreational facilities.

### *Shire of Denmark*

The Shire of Denmark is the local government authority for Denmark and surrounding hinterland. The Shire of Denmark is responsible for the provision of and management of local infrastructure, strategic and statutory planning, management of Shire reserves, and community development programs, and sporting and recreational facilities.

## **3. BACKGROUND**

DEC has sought to secure the management of Crown Reserve 23579 (the Reserve).

The Reserve is currently unvested. It is proposed that Crown Reserve 23579 be vested as a conservation park with the Conservation Commission of Western Australia, to allow DEC to manage the land in accordance with this MoU.

The Reserve provides a valuable ecological linkage from the Wilson Inlet to Mount Lindsay National Park and to the Walpole Wilderness beyond. It encompasses the Hay River for a length of eight kilometres. Two priority flora species, *Selliera radicans* (P2) and *Laxmannia jamesii* (P4), have been recorded on the Reserve.

It is also being considered that the Reserve should be expanded to include the 106 hectares of unallocated Crown land (UCL) of the eastern Wilson Inlet foreshore between the Hay and Cuppup Creek mouths. This area is known as Morley Beach, which has high conservation value as habitat for 19 species of migratory waders protected under three international conservation agreements; JAMBA, CAMBA and ROKAMBA.

The beach area is also a popular fishing and recreational area used regularly by the local community.

The Reserve is currently comprised of two parcels. Parcel A is an area of 341.4 hectares which extends over eight kilometres north from the Hay River bridge on the South Coast Highway and creates a buffer to the Hay River. Parcel B is an area of 45 hectares of Wilson Inlet foreshore land on the western side of the Hay River mouth.

Parcel C (Morley Beach UCL) is an area of 106 ha Wilson Inlet foreshore land on the eastern side of the Hay River mouth.

A map of the reserve is at Schedule 1.

## **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.
- 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.
- Appropriate recreational uses will be permitted subject to the management plan. Permission 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.
- 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.

## 6. DEFINITIONS AND INTERPRETATIONS

### *Conservation Parks*

Conservation parks have regional or local significance. They are set aside to conserve wildlife and the landscape, for scientific study, and to preserve features of archaeological, historical or scientific interest. Conservation parks also provide for recreation that does not adversely affect ecosystems.

### *CAMBA*

China Australia Migratory Bird Agreement

*Conservation Commission of WA*

A body corporate with perpetual succession established under s18 of the *Conservation and Land Management Act 1984*.

*Department/DEC*

Department of Environment and Conservation

*JAMBA*

Japan Australia Migratory Bird Agreement

*MoU*

Memorandum of Understanding

*Reserve*

Crown Reserve 23579

*ROKAMBA*

Republic of Korea Australia Migratory Bird Agreement

**7. TERMS OF THE AGREEMENT**

The MoU will commence when all parties have signed the MoU.

The MoU may be terminated at the agreement of all parties.

The MoU is not binding on any parties and provides a cooperative and complementary framework for management.

**8. SETTLEMENT OF DISPUTES**

The Department, the City of Albany and the Shire of Denmark commit to working together in good faith to implement this MoU.

The parties agree that any disputes will be resolved by negotiation.

**9. REVIEW AND EVALUATION**

This MoU may be reviewed by and of the parties at any time to determine whether it remains relevant to their respective roles.

The management plan will be reviewed at the discretion of DEC.

**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

Signed

Signed

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

\_\_\_\_\_  
Witnessed by  
Name

\_\_\_\_\_  
Witnessed by  
Name

\_\_\_\_\_  
Witnessed by  
Name

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

# 11. SCHEDULES

## Schedule 1: Map of Reserve

