



22 JUL 2014
CP.02.52
I-24178

Our ref: 50675-2007/3, 141353
Enquiries: Cody Rampant, ph 9168 0601

Chief Executive Officer
Shire of Wyndham-East Kimberley
PO Box 614
KUNUNURRA WA 6743

Dear Sir/Madam

CREATION OF PACKSADDLE CREEK RESERVE AND GRANT OF MANAGEMENT ORDER – ORD FINAL AGREEMENT

The Department of Lands (DoL) is progressing actions to finalise a land management commitment outlined in the Ord Final Agreement Indigenous Land Use Agreement (OFA) to create a Reserve over portion of the Packsaddle Creek near the Jimbilum, Yirralallem 1 and Yirralallem 2 Aboriginal Communities. Refer Attachment 1.

The commitment is to create a reserve over the area identified as “Packsaddle Creek Reserve Area” in the OFA for the purpose of “Recreation and Watercourse Protection”. Refer Attachment 2 for OFA map. The intention is then to place care, control and management with the Shire of Wyndham-East Kimberley, if it so consents, subject to a condition that provides for future management by Department of Parks and Wildlife (DPaW) or Conservation Commission Western Australia (CCWA). A Smartplan showing the subject land hatched red is at Attachment 3.

The alternative is that a Management Order is issued to DPaW or CCWA, noting the likelihood that a Conservation Park Reserve will be pursued by DPaW over the adjacent Crown land immediately to the south and the logical extension of management by that party.

To assist DoL in finalising its obligation to create the reserve and grant management, it would be appreciated if your agency could please provide any comments as to its preference to accept Management of the proposed reserve or recommendation for DoL to pursue Management of the reserve with DPaW or CCWA.

For further inquiries please contact Mr Cody Rampant, A/Team Leader, Kimberley - RMS, Department of Lands on telephone 08 9168 0601.

Yours sincerely

A handwritten signature in black ink, appearing to be 'Cody Rampant', written in a cursive style.

Cody Rampant
A/Team Leader

21 July 2014

39. PACKSADDLE FREEHOLD AREA*Note*

- (1) *The areas referred to in this clause are depicted on Map 10 in Schedule 2.*
- (2) *The Packsaddle Freehold Area is over unallocated Crown Land and Reserve 35289*
- (3) *The Packsaddle Freehold Area is within the MG#1 Determination area and is an area where native title exists.*
- (4) *The Packsaddle Freehold Area is the southern of the two Packsaddle Acquisition Areas which were the subject of a section 29 notice shown on Map 1 (not including the Packsaddle Creek Reserve Area nor Packsaddle CLAs being Jimbilum, Yirrallelem 1 and Yirrallelem 2 CLAs), reserve 35289, and some additional land on the south east corner.*
- (5) *The Packsaddle Freehold Area will be transferred to the MG Corporation after Registration*
- (6) *If Registration does not occur within 2 years of Execution, the lesser area which does not include the additional land on the south east corner will be transferred to the MG Corporation*

39.1 Freehold title over Packsaddle Freehold Area

- (1) As soon as practicable after the Execution Date, the State must:
 - (a) undertake the preparation of suitable deposited plans (and surveys if required) of the boundaries of the Packsaddle Freehold Area;
 - (b) ensure that reserve 35289, insofar as it covers the same land and waters as the Packsaddle Freehold Area, is cancelled; and
 - (c) determine a corridor up to 40 metres wide within the Packsaddle Road Area for the construction of the road and crossings referred to in clauses 39.4(1)(c) and 39.4(1)(d).
- (2) Subject to clauses 39.1(3) and 39.2, as soon as practicable after the later of:
 - (a) the completion of the things referred to in clause 39.1(1); and
 - (b) the Registration Date,
 the State must transfer freehold title pursuant to section 74 of the LAA over the Packsaddle Freehold Area (but not including the corridor determined in accordance with clause 39.1(1)(c)) to the MG Corporation.
- (3) The MG Corporation must pay all stamp duty and Transfer Costs in respect of the transfer of freehold title to the Packsaddle Freehold Area.

39.2 Failure to register as an ILUA

- (1) If the Registration Date has not occurred within 2 years of the Execution Date, then clause 39.1 shall apply as if:
 - (a) a reference in clause 39.1 to the Execution Date is a reference to the date 2 years after the Execution Date; and

- (b) a reference in clause 39.1 to the Packsaddle Freehold Area is a reference to that part of the Packsaddle Freehold Area which does not include the Packsaddle Freehold ILUA Area.
- (2) If:
- (a) the Registration Date occurs at any time later than 2 years after the Execution Date; and
 - (b) the State has granted freehold title over that part of the Packsaddle Freehold Area which is within the Packsaddle Acquisition Area, in accordance with clause 39.1 and this clause 39.2,

then clause 39.1 shall again apply as if a reference to the Packsaddle Freehold Area is a reference to the Packsaddle Freehold ILUA Area

39.3 Packsaddle freehold funding

Prior to the transfer of freehold title in accordance with clause 39.1(2), the State must pay to the MG Corporation \$60,000 less the costs of undertaking the preparation of suitable deposited plans (and surveys if required) of the boundaries of the Packsaddle Freehold Area.

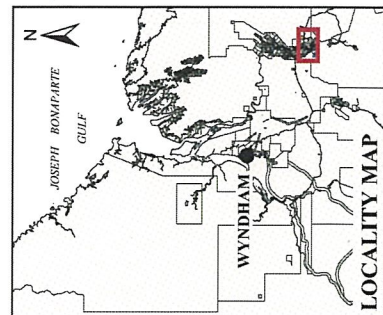
39.4 Packsaddle road

- (1) As soon as practicable after the Registration Date, the State must enter into an agreement with:
- (a) the Shire of Wyndham/East Kimberley; or
 - (b) if agreement cannot be reached with the Shire - a contractor nominated by the MG Corporation and approved by the State,
- to construct the following:
- (c) crossings over Packsaddle Creek and drain DP1 within the Packsaddle Road Area;
 - (d) a road within the Packsaddle Road Area from the existing Packsaddle Road to Packsaddle Creek;
 - (e) fencing and a gate on the boundary of the Packsaddle Freehold Area to control access to Barbeque Hill, and fencing and a gate on the boundary of the Packsaddle Freehold Area on the western side of the Packsaddle Creek crossing to control access to the Community Living Areas within the Packsaddle Freehold Area; and
 - (f) upgrading of existing gravel access tracks to Jimbilum, Yirrallelem 1 and Yirrallelem 2 CLAs within the Packsaddle Freehold Area, on the western side of Packsaddle Creek.
- (2) The State will pay up to \$700,000 to the person referred to in clause 39.4(1) to undertake the work in accordance with the agreement referred to in clause 39.4(1).
- (3) The agreement referred to in clause 39.4(1) must provide that, if the funding under clause 39.4(2) is insufficient for all of the works referred to in that clause, then the works are to be undertaken in the order of priority referred to in that clause (that is, clause 39.4(1)(c) is the highest priority and clause 39.4(1)(f) is the lowest priority).

- (4) The balance of the funds (if any) not paid in accordance with clause 39.4(2) must be paid to the MG Corporation.
- (5) The State must consult with the MG Corporation about the performance of the works in accordance with the agreement referred to in clause 39.4(1).

39.5 Packsaddle Creek reserve

- (1) As soon as practicable after the transfer of freehold title over the Packsaddle Freehold Area to the MG Corporation, the State must:
 - (a) create a reserve over the Packsaddle Creek Reserve Area under section 46 of the LAA for the purposes of recreation and watercourse protection;
 - (b) if the Shire of Wyndham/East Kimberley consents - place the care, control and management of the reserve with the Shire; and
 - (c) otherwise, manage the reserve.
- (2) If the care control and management of the reserve over the Packsaddle Creek Reserve Area is placed with the Shire of Wyndham/East Kimberley then the State will place a condition on the management order that, if the Carr Boyd Ranges adjacent to the Packsaddle Freehold Area are in the future made the subject of a national park or conservation park then the Shire must consult with CALM to determine whether the Executive Director or the Conservation Commission or some other body should become the management body for the reserve over the Packsaddle Creek Reserve Area.



LEGEND

- Packsaddle Creek Reserve Area
- Packsaddle Freehold Area
- Packsaddle Freehold ILUA Area
- Packsaddle Road Area
- East Kununurra Additional Area
- East Kununurra Area

**ORD FINAL AGREEMENT
SCHEDULE 2
MAP 10**



COMPLETED	DATE
CARTOGRAPHY CHECK	DATE
PROJECT MANAGER	DATE

SCALE 1:50,000

0 0.5 1 1.5 2
Kilometres

HORIZONTAL DATUM: MAP GRID OF AUSTRALIA, Zone 52 (RINEX 08/09/04)



NOTES
ALL AREAS ARE SUBJECT TO SURVEY

RECORDS ARCHIVE SOURCES	ORIG. SIZE A3
-------------------------	---------------

Packsaddle Creek Reserve

R 35289

3003

5610.0 ha

