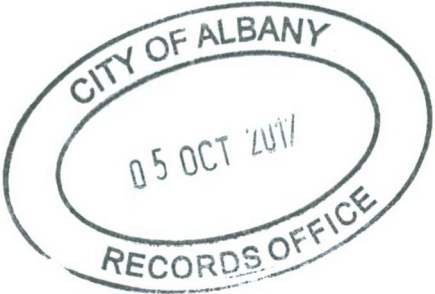
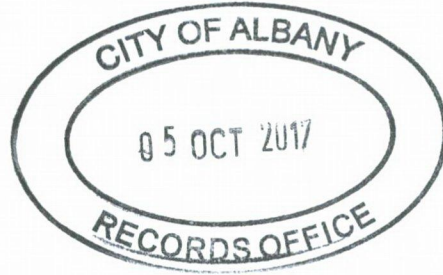


To
ANDREW STARPE
CEO
City of ALBANY

ATTACHMENT TO 9.0-PETITIONS



Andrew Sharpe CEO
City of Albany
North Road
ALBANY WA 6330



28TH October 2017

Dear Andrew

Re – Resolution DIS O35 and Objection to Gazettal of Lake Mulloculop.

I am in receipt of your letter dated 19th September 2017 and find it disappointing that you appear to ignore my concerns, instead you reiterated what I already knew, as I was in attendance at the Meeting.

Your advise appears to to advise me that no action will be taken in regards to my concern and that work will go ahead

I am writing this letter to request that you begin the process of advising Councillors to move a Motion of a '**Rescission** of the above motion which requires a third of the Councillors.

I am very concerned that the Councillors did not appear to have been fully informed, nor given references to us Noongar Peoples ancestral connection to the Lake and surrounds and the effect and impact of the Gazette motion as passed by the majority. Indeed Councillor Sutton stated that the Lake was a 'meeting place' used for some 30 years – but, so, so wrong in his understanding of local Noongar Peoples connections that could be misinterpreted and misleading other Councillors.

I believe and make the claim that the Senior staff charged with the responsibility to advise Councillors were incompetent in their research and therefore derelict in their duty in developing the Motion in the first instance, to inform Council, even though the City had a position of a Noongar Engagement Officer on its staff.

Not only was there no satisfactory and full consultation with local Noongar, but no reference quoted at the Meeting about the City's responsibility under the **Aboriginal Heritage Act and the Due Diligence Guidelines**, as well as any consideration or understanding given of the legal Documents signed off by the State on the **Single Noongar Claim**.

Nor was any consideration given to the lack of understanding about **Sect 46-47 of the Land Administration Act 1997, para 46 (1); para 46 (7) and Para 49(3)**.

I also am of the belief that the Staff have no understanding of the **International Charter of 'U.N. Rights of Indigenous Peoples'** which Australia is a signatory through the Human Rights Commission.

The Charter has Articles from **Section 1 through to section 46**, all which clearly points out that Indigenous Peoples like us Noongar Peoples must be treated with a process of Equity and fairness with consideration of our Heritage and Cultural beliefs and in particular our association with our Lands.

Council also ignored the Charter of its own **Aboriginal Accord** of which the **City co-signed**

The **Reconciliation Australia** may be interested in a copy of this letter and assist us with promotion of injustice by the Council

I have a petition from local Noongar Peoples whose surnames reflect those 'Old Peoples' who have their ancestors connection and are just as dismayed as I am that the City under your management did not talk with us, although we had many opportunities to do so.

Andrew, as you will agree that as I have every right, I will be contacting those three Ministers who have responsibility for issue such as I have presented.

I reiterate, I urge you to advise Councillors on the urgent need to seek a Motion of **Rescission of the Motion DIS 035**



CAROL PETERSEN

PO Box 7016

LOWER KING WA 6330

PETITION

TO CITY OF ALBANY

WE, THE UNDERSIGNED, HEREBY WISH TO SUBMIT OUR OBJECTION TO THE PROPOSED GAZETTEL OF LAKE MULLOCOLUP, KNOWN TO US NOONGARS AS MIRRABEEN.

THIS LAKE IS A VERY IMPORTANT SIGNIFICANT CULTURAL AND SPIRITUAL PLACE FOR US AND WE ARE DISMAYED THAT THE CITY DID NOT GIVE CONSIDERATION TO CONSULTING WITH US NOONGARS, NOR TO ADVISE OF A PROPOSED JOINT-MANAGEMENT PLAN.

THIS IS CONSIDERED A REQUIREMENT BY MOST AGENCIES AND WE HOPE THAT THE CITY WILL PROVIDE US WITH THE OPPORTUNITY TO CONSULT MORE EFFECTIVELY WITH US

WE THEREFORE CALL UPON THE CITY TO SUSPEND ANY FURTHER MOVE TO HAVE THIS LAKE GAZETTED FOR MOTORISED WATER VEHICLES.

NAME: ADDRESS: SIGNATURE

KINETTE KNAPP	38 SIMS ST ALBANY	<i>[Signature]</i>
TREVOR LEADOS	6 SKEWES BUNB	<i>[Signature]</i>
GAIL BECK	15 WINEBERY LOOP	<i>[Signature]</i>
ALWYN COYNE	26 CHESTER PASS	<i>[Signature]</i>
LILLIAN PENNY	2 SAGGERS TAMB	<i>[Signature]</i>
OLIVIA ROBERTS	4016 MURRAY ST ALBANY	<i>[Signature]</i>
STEVEN WOOD	611 BLUFF CREEK RD	<i>[Signature]</i>
DALLAS COYNE (SM)	ALBANY.	<i>[Signature]</i>
PAULETTE PUNCH	GNOWANLERUP	<i>[Signature]</i>
JOY MINSTER	GNOWANLERUP	<i>[Signature]</i>
STANLEY LOR	ALBANY	<i>[Signature]</i>
WENDY HAYDEN	KATANNING	<i>[Signature]</i>
BONNIE WOODS	ALBANY LEONORA ¹³	<i>[Signature]</i>
KEVIN GRAY	811 TULLER RD	<i>[Signature]</i>
OSCAR COLESON	17 AURORA RISE ALBANY	<i>[Signature]</i>

**CEO City of Albany
Andrew Sharp**

Dear Andrew

Can you please forward this letter onto the Councilors and the Mayor, thank you.

We the undersigned, as concerned, land owners, environmental specialists, and members of the public, would like to request, that Council, rescind the motion, that was passed on the 22nd of August 2017, to gazette Lake Mullocullup Nature Reserve for the purpose of water skiing.

As you are aware, Mullocullup Nature Reserve (Reserve 16367) is a small Crown reserve of about 57 hectares situated on Warriup Road some 75km east of Albany. The reserve encompasses a small but environmentally significant freshwater lake. Since 1968 the purpose of the reserve has been for the conservation of flora and fauna, water and camping.

In our view, Council has been ill informed to the history belonging to this reserve and the purpose for which it was gazetted. One must ask, is the City of Albany, in breach of the Land Administration Act 1997 under which this reserve is gazetted?

History of the Reserve.

This lake, known as Mirrambeen to the traditional owners, the Wilomin and Miang Noongar people, was first gazetted in 1916 for camping and water, a stopping place to rest and water stock, on the stock route from Albany to farming settlements at Cape Riche, Bremer Bay and Jerramongup.

Vested initially in the Albany Roads Board (1923), then the Shire of Albany (1968) and finally the City of Albany (2001).

Gazetted purpose changed from camping and watering place to conservation of flora and fauna in 1968. Part of the Reserve was excised for the purpose of the road which we know today. The entrance into the lake was made for the purpose of easier access of water, for firefighting.

Gazetted name change to the Mullocullup Nature Reserve in 1981.

Management under the Land Administration Act 1997

By order of the Minister, the Mullocullup Nature Reserve has been under the management of the City of Albany and its predecessors.

The Land Administration Act 1997 Paragraph 46. (1) states that,

The Minister may by order place with any one person or jointly with any two or more persons

the care, control and management of a reserve *for the same purposes that for which the relevant Crown land is reserved under section 41 and for purposes ancillary and beneficial to that purpose* and may in that order subject that care, control and management to such conditions as the Minister specifies.

In short, the Act states that a person or persons entrusted with the management of a reserve may only allow that reserve be used for the purpose for which it was gazetted.

The purpose for which the Mulloculup Reserve is gazetted in the Government Gazette of 26th April 1968 is for camping, water and the Conservation of Flora and Fauna.

It would appear that the proposal by the City of Albany to approve the use of the Reserve for water skiing would be contrary to the purpose for which the Reserve is gazetted, that is for the conservation of flora and fauna, and historically, water and camping for the movement of stock. A recreational use, such as water skiing, would not be ancillary and beneficial to that purpose.

Paragraph 46 (7) of the Act in part states that,

A person with whom the care, control and management of a reserve is placed by order.....deal with the reserve in a manner consistent with the order.

This reinforces the intent that the Reserve be used only for the purpose for which it was gazetted.

Further, under Section 49 (3) of the Act,

A management body must, before submitting a (management) plan to the Minister.....

(a) consider any conservation, environmental or heritage issues relevant to the development, management or use of the Crown land in its managed reserve for the purpose of that managed reserve, and

(b) incorporate in that plan a statement that it has considered those issues in drawing up the plan.

The City of Albany has not produced any management plan for this reserve, nor has it considered the conservation, environmental and heritage issues relating to its use for water skiing.

Conclusions.

1. The City of Albany's actions in allowing water skiing on the lake in the Mulloculup Nature Reserve appears to be in conflict with Sections 46 and 49 of the Land Administration Act 1997 which states that the reserve can only be used for the purpose for which it was gazetted, that is the conservation of flora and fauna, camping and water. Again, the inclusion of water and camping in the gazette was historically for the movement of stock.
2. Water skiing presents an unacceptable threat to the environment of the lake and reserve as a whole, and should not be a permitted activity in a gazetted Nature Reserve.

Yours sincerely

Bob Vandenberg
Anne Vandenberg
Bill Hassell
Dale Roberts
Bev Roberts
Peter Hassell
Peter Jefferies
Jane Jefferies
Don Ashley
Elizabeth Ashley
Russell Ashley
Lyn Ashley
Karin Lewis
Peter Lewis
John Hassell
Chris Hassell
Angela Simpson
Michael Paisley-Kerr
Sophie Paisley-Kerr
Margery Payne
David Payne
John Hassell
Jeremy Prince
Wayne Batson
Mark Randell
David Lombardo
Cleve Hassell
Jenny Hassell
Kate Jefferies
Brad Wadsworth
Margaret McNab
Ross McNab
Margaret Schroder
Murray Schroder
Betty Long
Ray Garstone
Joan Garstone
Ryan Jefferies
Alice Paisley-Kerr
Andre Georgiess
Neil Collins
Adrian Vandenberg
Basil Schur
Chris Roberts
Sylvia Layton