

ORIGINAL

INSTRUCTIONS

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2. Additional Sheets shall be numbered consecutively and bound to this document by staples along the left margin prior to execution by parties.
3. No alteration should be made by erasure. The words rejected should be scored through and those substituted typed or written above them, the alteration being initialled by the person signing this document and their witnesses.

NOTES

1. RESERVE DESCRIPTION
Reserve number and details to be stated. The Volume and Folio numbers to be stated.
2. MANAGEMENT BODY
State the full name and address of the management body.
3. CONDITIONS
Specify all conditions to be observed by the lessee in the operation of the area affected by this permit.
4. EXECUTION
A separate attestation is required for every person signing this document. Each signature should be separately witnessed by an Adult Person. The address and occupation of the witness must be stated.

EXAMINED

NE126

60

Office Use Only

H 975875 XE 16th December 2002
04 Jan, 2002 13:57:44 Midland 13.13.43



MANAGEMENT ORDER (XE)

LODGED BY Land Administration Services Branch

ADDRESS DOLA

PHONE No.

FAX No.

REFERENCE No. Tom Edwards 04498-1913-02RO

ISSUING BOX No.

PREPARED BY Land Administration Services Branch

ADDRESS DOLA

PHONE No. FAX No.

INSTRUCT IF ANY DOCUMENTS ARE TO ISSUE TO
OTHER THAN LODGING PARTY



TITLES, LEASES, DECLARATIONS ETC LODGED
HEREWITH

- | | |
|---------------|-----------------|
| 1. <u>Dup</u> | Received Items |
| 2. _____ | Nos. |
| 3. _____ | 1 |
| 4. _____ | Receiving Clerk |
| 5. _____ | |
| 6. _____ | |

963385-004



Registered pursuant to the provisions of the TRANSFER OF
LAND ACT 1893 as amended on the day and time shown
above and particulars entered in the Register.



WESTERN AUSTRALIA
LAND ADMINISTRATION ACT 1997
TRANSFER OF LAND ACT 1893 AS AMENDED

MANAGEMENT ORDER (XE)

RESERVE DESCRIPTION (NOTE 1)	EXTENT	VOLUME	FOLIO
Reserve 46715		3122	489

MANAGEMENT BODY (NOTE 2)

Shire of Busselton of Locked Bag No 1 Busselton WA 6280

CONDITIONS (NOTE 3)

1. To be used for the designated purpose of "Tourism and Recreation" only
2. Power to lease for the designated purpose (or sub-lease or licence) is granted for the whole or any portion thereof for any term not exceeding twenty one (21) years from the date of the lease subject to the approval in writing of the Minister for Lands being first obtained to each and every lease and assignment of lease, pursuant also to the provisions of section 18 of the Land Administration Act 1997

THE MINISTER FOR LANDS (IN THE NAME OF AND ON BEHALF OF THE STATE OF WESTERN AUSTRALIA) ORDERS THAT THE CARE, CONTROL AND MANAGEMENT OF THE ABOVE RESERVE BE PLACED WITH THE ABOVE DESCRIBED MANAGEMENT BODY FOR THE PURPOSE FOR WHICH THE LAND IS RESERVED UNDER SECTION 41 OF THE LAND ADMINISTRATION ACT 1997, AND FOR PURPOSES ANCILLARY OR BENEFICIAL TO THAT PURPOSE SUBJECT TO THE CONDITIONS STATED ABOVE

Dated this 4th day of January in the year 2004

ATTESTATION


PROJECT OFFICER
SOUTH WEST REGION
LAND ADMINISTRATION SERVICES

INSTRUCTIONS

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NOTES

1. RESERVE
State number of the Reserve/s.
2. MANAGEMENT ORDER
State registered number of the management order.
3. INTERESTS AND CAVEATS TO CONTINUE
As per section 50(4)(a) the Land Administration Act 1997, state the document type and registered number of registered interests and lodgement numbers of caveats existing in respect of the land comprising the Reserve that are to continue despite revocation of the management order. If there are no registered interests or caveats, state "Nil".
4. INTERESTS AND CAVEATS NOT TO CONTINUE (OFFICE USE ONLY)
State the document type and registered number of registered interests and lodgement number of caveats existing in respect of the land comprising the Reserve that are not specified to continue after revocation of the management order. If there are no registered interests or caveats or all registered interests and caveats are to continue after revocation of the management order, state "Not Applicable".
5. ATTESTATION
This document is to be executed by the Minister for Lands or a person to whom the power to revoke a management order under section 50(1) of the Land Administration Act 1997 has been duly delegated under section 9(1) of the Act (if applicable).

EXAMINED

Office Use Only

L223934 XE

05 Feb 2010 14:13:03 Midland



REVOCATION OF MANAGEMENT ORDER (XE)

LODGED BY State Land Services

ADDRESS RDL - South West - Box 98C

PHONE No.
FAX No.

REFERENCE No. Ryan Wells 04498-1913 Ph: 9347 5068
Fax: 9347 5005

ISSUING BOX No.

PREPARED BY State Land Services

ADDRESS RDL - South West - Box 98C

PHONE No.
FAX No.

INSTRUCT IF ANY DOCUMENTS ARE TO ISSUE TO
OTHER THAN LODGING PARTY

2/4

TITLES, LEASES, DECLARATIONS ETC LODGED
HEREWITH

1. _____ Received Items
2. _____ Nos.
3. _____
4. _____ Receiving Clerk
5. _____
6. _____

100376-002



Registered pursuant to the provisions of the TRANSFER OF
LAND ACT 1893 as amended on the day and time shown
above and particulars entered in the Register.



uy

WESTERN AUSTRALIA
LAND ADMINISTRATION ACT 1997 as amended
TRANSFER OF LAND ACT 1893 as amended

REVOCATION OF MANAGEMENT ORDER (XE)

RESERVE DESCRIPTION (NOTE 1)

46715

EXTENT

Whole

VOLUME

3122

FOLIO

489

MANAGEMENT ORDER (NOTE 2)

MANAGEMENT ORDER NO H975875

THE MINISTER FOR LANDS (IN THE NAME OF AND ON BEHALF OF THE STATE OF WESTERN AUSTRALIA) ORDERS THAT THE MANAGEMENT ORDER DESCRIBED ABOVE BE REVOKED AND SPECIFIES THAT THE INTERESTS AND CAVEATS DESCRIBED BELOW TO CONTINUE, ARE TO CONTINUE TO EXIST IN RESPECT OF THE LAND COMPRISING THE RESERVE DESCRIBED ABOVE IN THE MANNER PROVIDED BY SECTION 50(4)(a) OF THE LAND ADMINISTRATION ACT 1997

INTERESTS AND CAVEATS TO CONTINUE (NOTE 3)

Nil


INTERESTS AND CAVEATS NOT TO CONTINUE (NOTE 4) (OFFICE USE ONLY)

Nil

Dated this day of 5 FEB 2010 in the year

ATTESTATION (NOTE 5)

TOM EDWARDS
SENIOR STATE LAND OFFICER
STATE LANDS - SOUTH WEST
STATE LAND SERVICES



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NOTES

1. RESERVE

State number of the Reserve/s.

2. DESCRIPTION OF LAND

Lot and Diagram/Plan number or Location name and number to be stated.

Extent - Whole, part or balance of the land comprised in the Certificate of Crown Land Title to be stated.

The Certificate of Crown Land Title Volume and Folio number to be stated.

3. AMENDMENT OF RESERVE

State the amendment details affecting the described Reserve/s.

4. ATTESTATION

This document is to be executed by the Minister for Lands or a person to whom the power has been duly delegated under the Land Administration Act 1997.

EXAMINED

L223935 XE

05 Feb 2010 14:13:03 Midland



AMENDMENT OF RESERVE (XE)

LODGED BY State Land Services

ADDRESS RDL - South West - Box 98C

PHONE No.

FAX No.

REFERENCE No. Ryan Wells 04498-1913/03 Ph:9347 5068 Fax: 9347 5005

ISSUING BOX No.

PREPARED BY State Land Services

ADDRESS RDL - South West - Box 98C

PHONE No. FAX No.

INSTRUCT IF ANY DOCUMENTS ARE TO ISSUE TO OTHER THAN LODGING PARTY

3/4

TITLES, LEASES, DECLARATIONS ETC LODGED HEREWITH

1. <u>Oracle Forum</u>	Received Items
2. _____	Nos.
3. _____	1
4. _____	Receiving Clerk
5. _____	
6. _____	

100376-001



Registered pursuant to the provisions of the TRANSFER OF LAND ACT 1893 as amended on the day and time shown above and particulars entered in the Register.



WESTERN AUSTRALIA
LAND ADMINISTRATION ACT 1997 as amended
TRANSFER OF LAND ACT 1893 as amended

AMENDMENT OF RESERVE (XE)

RESERVE (NOTE 1)	DESCRIPTION OF LAND (NOTE 2)	EXTENT	VOLUME	FOLIO
46715	Lot 350 on Deposited Plan 55296	Whole	0000	000

DESCRIPTION OF RESERVE AMENDMENT (NOTE 3)

To comprise lot 350 on Deposited Plan 55296 in lieu of Lot 460 on deposited plan 221289 and the area being increased to 9.1674 hectares.

THE MINISTER FOR LANDS (IN THE NAME OF AND ON BEHALF OF THE STATE OF WESTERN AUSTRALIA) ORDERS THAT THE RESERVE BE AMENDED AS DESCRIBED ABOVE

Dated this day of 5 FEB 2010 in the year

ATTESTATION

Sam Houston

TOM EDWARDS
SENIOR STATE LAND OFFICER
STATE LANDS - SOUTH WEST
STATE LAND OFFICER

Reserves		01-OCT-2007 Last Update from DLI													
Number	46715	Calc Area	91674 Sq Metres												
Name		Legal Area	91674 Sq Metres												
File Reference	04498-1913														
Associated Files	04498-1913-02RO														
Department Region	SLS South West	Class	C												
LGA	Busseton	Status	Current												
Responsible Agency	DEPARTMENT FOR PLANNING AND INFRASTRUCTURE	<input type="checkbox"/> Crown Grant In Trust													
Purpose	TOURISM AND RECREATION	<input type="checkbox"/> Power To Lease													
		<input type="checkbox"/> Section 20a													
Last Update Date	04-FEB-2010														
Last Updated By	DATALOAD														
<div> <div>Management/Purpose</div> <div>Actions</div> </div>															
Management Orders <table border="1"> <tr><td>SHIRE OF BUSSETON</td></tr> <tr><td> </td></tr> <tr><td> </td></tr> <tr><td> </td></tr> <tr><td> </td></tr> <tr><td> </td></tr> </table>		SHIRE OF BUSSETON						Land Use <table border="1"> <tr><td>RECREATION</td></tr> <tr><td>TOURISM PURPOSES</td></tr> <tr><td> </td></tr> <tr><td> </td></tr> <tr><td> </td></tr> <tr><td> </td></tr> </table>		RECREATION	TOURISM PURPOSES				
SHIRE OF BUSSETON															
RECREATION															
TOURISM PURPOSES															

ORIGINAL

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NOTES

1. RESERVE DESCRIPTION

Reserve number and details to be stated. The Volume and Folio numbers to be stated.

2. MANAGEMENT BODY

State the full name and address of management body.

3. CONDITIONS

Detail the conditions specified by the Minister to be observed by the management body in its care control and management of the Reserve.

4. ATTESTATION

This document is to be executed by the Minister for Lands or a person to whom the power to grant a management order under section 46 of the Land Administration Act 1997 has been duly delegated under section 9(1) of the Act (if applicable).

EXAMINED

L223936 XE

05 Feb 2010 14:13:03 Midland



MANAGEMENT ORDER (XE)

LODGED BY State Land Services

ADDRESS RDL - South West - Box 98C

PHONE No.

FAX No.

REFERENCE No. Ryan Wells 04498-1913 Ph: 9347 5068
Fax: 9347 5005

ISSUING BOX No.

PREPARED BY State Land Services

ADDRESS RDL - South West - Box 98C

PHONE No.

FAX No.

INSTRUCT IF ANY DOCUMENTS ARE TO ISSUE TO
OTHER THAN LODGING PARTY

4/4

TITLES, LEASES, DECLARATIONS ETC LODGED
HEREWITH

1. <u>Dep MO</u>	Received Items
2. _____	Nos.
3. _____	1
4. _____	Receiving Clerk
5. _____	9
6. _____	

100376-003



Registered pursuant to the provisions of the TRANSFER OF
LAND ACT 1893 as amended on the day and time shown
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10/10/10
FORM LAA-1023

SECTION 46

WESTERN AUSTRALIA
LAND ADMINISTRATION ACT 1997 as amended
TRANSFER OF LAND ACT 1893 as amended

MANAGEMENT ORDER (XE)

RESERVE DESCRIPTION (NOTE 1)

46715

EXTENT

Whole

VOLUME

0000
3158

FOLIO

000
792

Assist. Registrar of Titles
9.2.10

MANAGEMENT BODY (NOTE 2)

Shire of Busselton, Locked bag 1, BUSSELTON WA 6280

CONDITIONS (NOTE 3)

"See Annexure"

THE MINISTER FOR LANDS (IN THE NAME OF AND ON BEHALF OF THE STATE OF WESTERN AUSTRALIA) ORDERS THAT THE CARE, CONTROL AND MANAGEMENT OF THE ABOVE RESERVE BE PLACED WITH THE MANAGEMENT BODY DESCRIBED ABOVE FOR THE PURPOSE FOR WHICH THE LAND COMPRISING THE RESERVE IS RESERVED UNDER SECTION 41 OF THE LAND ADMINISTRATION ACT 1997, AND FOR PURPOSES ANCILLARY OR BENEFICIAL TO THAT PURPOSE TO THE CONDITIONS ABOVE

Dated this

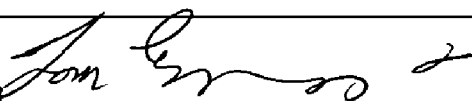
day of

5 FEB 2010

in the year

ATTESTATION (NOTE 4)

TOM EDWARDS
SENIOR STATE LAND OFFICER
STATE LANDS - SOUTH WEST
STATE LAND SERVICES



8. Definitions and Interpretations

8.1 Definitions

Jetty means the structure within the Reserve the subject of the Jetty License.

Jetty Licence means the licence of the Jetty granted, or to be granted to replace the licence granted to the Management Body in 1988, to the Management Body by the Chief Executive Officer of the Department of Transport pursuant to section 7 of the *Jetties Act*.

LAA means the *Land Administration Act 1997* as amended from time to time.

Management Plan means the management plan submitted by the Management Body as required under Condition 3 and approved by the Minister for Lands under section 49 of the LAA, and includes that management plan as may be varied from time to time in accordance with section 49 of the LAA.

Management Body means the person described in panel 2 of this Management Order.

Management Order means this management order comprising the Form LAA 1023, Annexure A and the Plan and variation to it from time to time in accordance with section 46 of the LAA.

Minister for Lands means the body corporate of that name continued under section 7 of the LAA.

Reserve means the reserve described in panel 1 of this Management Order.

8.2 Interpretation

Any approval or notice that the Minister for Lands is required to give pursuant to the terms of this Management Order may be given by a delegate of the Minister for Lands duly appointed under section 9 of the LAA.

4. Management Plan

- (a) Pursuant to section 49(2) of the LAA, the Management Body is to submit to the Minister for Lands for approval, in an approved form, within three (3) years of the date of this Management Order a plan for the development, management and use of the land within the Reserve.
- (b) The Management Body must in preparing the Management Plan referred to in paragraph (a):
 - (i) consider any conservation, environmental or heritage issues relevant to the development, management or use of the land in the Reserve;
 - (ii) incorporate in the Management Plan a statement that it has considered the issues referred to in paragraph (i) in drawing up the plan
 - (iii) must include the following matters, and how they will be accommodated, in determining whether to permit any new development within, or to grant any lease, permit a sublease of a lease granted or grant any licence right within the Reserve including:
 - (A) the sort of tenure it may grant for particular types of development, uses or activities;
 - (B) the maintenance obligations and funding to meet those obligations it will require from the operator of any commercial tourism or recreational activity within the Reserve;
 - (C) the effect any development or grant of tenure or licence rights within the Reserve may have on the structural integrity of the Jetty;
 - (D) the matter referred to in condition 3.2(b) and (c); and
 - (E) how any revenue from a lease, sub lease or license will be expended or allocated.
 - (iv) must include response procedures to emergency events that may occur.

5. General Conditions

- (a) The Management Body must, in relation to the Jetty, at all times comply with the terms conditions and covenants set out in the Jetty Licence.
- (b) On the Management Plan being approved by the Minister for Lands, the Management Body must comply with its terms.
- (c) The Management Body hereby releases and indemnifies and agrees to keep released and indemnified the Minister for Lands, the State of Western Australia, all Ministers of the Crown and their officers, employees, agents and contractors (the **Indemnified Parties**) from and against all claims, demands, actions, suits, proceedings, judgments, damages, costs, charges, expenses (including legal costs of defending or settling any action, claim or proceeding) and losses of any nature whatsoever whether based in contract, tort or statute or any combination thereof which the Indemnified Parties (or any of them) may suffer or incur or which may at any time be brought maintained or made against them (or any of them) in respect of, or in connection with:
 - (i) any destruction, loss (including loss of use), injury or damage of any nature or kind of or to property of any person whatsoever; and
 - (ii) in respect of the death of, or injury or illness sustained by, any person whatsoever, directly or indirectly caused by, arising out of, or in connection with:
 - (iii) the acts or omissions of the Management Body in its care control and management of the Reserve;
 - (iv) an interest or right granted by the Management Body to any person under the terms of this Management Order;
 - (v) any improvements within the Reserve erected or done by the Management Body or any persons acting through or under the Management Body;
 - (vi) any contamination, pollution or environmental harm caused or contributed to by the Management Body or any person to whom it has granted an interest or right under the terms of this Management Order and any remediation required to be undertaken as a result of that contamination, pollution or environmental harm;
 - (vii) any default or non compliance by the Management Body of the conditions of this Management Order or the terms of the Management Plan; or
 - (viii) any other act, neglect, default or omission by the Management Body or persons granted a right or interest by the Management Body.and which release and indemnity continues after termination of this Management Order in respect of any act, matter or thing occurring before the termination of this Management Order.

6. Revocation of the Management Order

- (a) In the event that the Management Body is in breach of any of the conditions set out in this Management Order or the Management Plan, which breach has not been rectified within a reasonable period specified by the Minister for Lands in the serving a notice on the Management Body setting out the default and requiring the Management Body to remedy the same, the Minister for Lands may revoke this Management Order under section 50(1)(b) of the LAA.
- (b) The Management Body will not be entitled to seek or receive any compensation or payment arising from revocation of the Management Order or the Management Order terminating under condition 2.
- (d) The revocation of the Management Order will result in the termination of the Jetty Licence but will not release the Management Body from its continuing obligations under the Jetty Licence.

7. Removal of Jetty

The Management Body acknowledges that if the Jetty Licence terminates for whatever reason or otherwise comes to an end however arising, the Management Body may be required to demolish and remove the Jetty at its cost and expense as provided in the Jetty Licence.

BLANK INSTRUMENT FORMAnnexure "A" to the Form LAA 1023 Management
Order in respect of Reserve 46715

(Note 1)

1. Reserve Purpose

The Reserve is to be used for the designated purpose of "Recreation, Tourism and Heritage" and for purposes ancillary or beneficial to that designated purpose only.

2. Term

Subject to any earlier revocation of this Management Order pursuant to condition 6, the Management Body is given the care control and management of the Reserve until the Jetty Licence is terminated for whatever reason or otherwise comes to an end, and on that event occurring, the Management Body hereby consents to revocation of the Management Order by the Minister for Lands under section 50(1)(a) of the LAA.

3. Power to Lease or Sublease or Licence subject to conditions

3.1 Subject to condition 3.2, pursuant to section 46(3)(a) of the LAA, the Management Body is granted

the power to grant a lease, sublease or licence over any part of the Reserve, other than the Main Jetty Area, for a purpose that is consistent with the designated purpose, for a term (including further terms) that is not to exceed in total 49 years and which may comprise an initial term that is not to exceed 25 years and an option or options to renew for a further term with the aggregate of the further terms not to exceed 24 years. To be able to exercise an option for a further term, the grantee of the licence right or lease interest is not to be in breach of any obligation to pay monies or other term or condition of their existing grant at that time.

- 3.2 (a) The Management Body acknowledges section 18 of the LAA applies to the land comprised in the Reserve and that it must:
- (i) obtain the prior approval in writing of the Minister for Lands under section 18 of the LAA before granting a licence, lease or sublease of any part of that land; and
 - (ii) otherwise comply with the provisions of section 18 of the LAA.

- (b) Without limiting section 18 of the LAA, a condition for obtaining approval of the Minister for Lands under section 18(5) of the LAA is that the Minister for Lands is satisfied that any lease, sublease or licence proposed to be granted provides for the following:

- (i) upon the Jetty Licence terminating for whatever reason or otherwise coming to an end; or
- (ii) this Management Order being revoked under section 50 of the LAA,

whichever occurs first, and if the Jetty is required to be removed, the lease, sublease or licence will also terminate on the date of termination of the Jetty Licence or the date of revocation the Management Order, as the case may be, without any right of the lessee, sublessee or licensee to compensation from the State arising from that termination.

- (c) Without limiting section 18 of the LAA, a condition for obtaining approval of the Minister for Lands under section 18(5) of the LAA is that the Minister for Lands is satisfied that any lease, sublease or licence proposed to be granted provides for the following:

- (i) compliance by the grantee with section 18 of the LAA in respect of transactions dealt with by that section;
- (ii) in the event that the Jetty is destroyed or substantially damaged and the Management Body is not required by the Jetty Licence to rebuild or restore it, any lease, sublease or licence, as the case may be, of any part of the Jetty will terminate;
- (iii) the effect any development or grant of a lease or licence right may have on the environmental integrity of the Reserve and areas or waters adjoining the Reserve, in particular, the waters likely to be included in the Marine Park (as defined in the *Conservation and Land Management Act 1984*) near the Reserve; and
- (iv) where the grant of the licence right or lease interest envisages construction of structures or improvements, that it requires the grantee of the licence or lease to insure those structures or improvements for replacement value, to take out other relevant insurances appropriate to the use intended, to maintain the structures and improvements and have a fund or means to meet the maintenance requirements of the structures and improvements for the term of the proposed grant, provision to deal with what is to occur if the structure or improvement is destroyed or substantially damaged and provision dealing with removal of structures or improvements if they attach to the Jetty in the event that the Jetty is destroyed, or is to be demolished and removed.