

RESERVES BILL 2023

Second Reading

Resumed from 7 November.

HON NEIL THOMSON (Mining and Pastoral) [12.51 pm]: I rise on behalf of the opposition to support the Reserves Bill 2023. This bill will incorporate a number of matters and I imagine there will be a fairly brief discussion. There are some important housekeeping matters and some changes that will certainly require a little bit of assessment and a few phone calls. By way of feedback, I want to make one comment to the minister; I think it would have been helpful—notwithstanding the briefings that were—if some maps had been included in the explanatory memorandum and a little bit more background given on some of the changes that will obviously impact a range of stakeholders.

In summary, clause 6 refers to the excision of land, which is a key issue that is important and something that we support. Reserve 27575 will be excised from Neerabup National Park, to further facilitate land exchange. This has resulted from a long period of consultation and discussion with the Catalina Regional Council, formerly the Tamala Park Regional Council. That will expand the Tamala Park structure plan. Although the land is at the top of a reserve area, it probably can be developed in the sense that it is not completely isolated from the banksia woodlands to the south. It is in a location that enables some sensible rationalisation of boundaries. There certainly has been a fair bit of work undertaken. After a few phone calls with some of the stakeholders up there, I did not get the impression that there was a lot of anxiety or concern about it. We need to make sure there is an opportunity to amend things in that situation when it makes sense.

There will be other changes such as the rationalisation around the Mandurah rail and the Dampier to Bunbury natural gas pipeline. Again, those changes are supported. I understand that in Mt Barker the landfill site had some potential to encroach on the town site, and this may have already occurred. That excision was to make sure that the Shire of Plantagenet could get on with the important issue of landfill. Again, I do not believe that in any way compromised the important environmental values that were required.

There are some bigger changes. One is about the establishment of a national park in the Mining and Pastoral Region. I got some feedback from a few people. Some of the smaller prospectors were concerned about the ongoing trend of making it harder for them to operate within the crown land estate. That issue was raised. I note some of those concerns and the feeling that there could have been better consultation within that process.

Notwithstanding that, the opposition is supporting the amendments. I understand that the Helena and Aurora Ranges national park has some very important environmental values. There are banded iron formations in that location. It is a unique part of our world. Having some elements within the national park system is not something that we oppose in principle; however, we note that there are also other mining interests in that area. Again, those were not really well explained in the explanatory memorandum. It might be the case that they did not need to be, but I certainly think that a bit more transparency around that might have been useful. Notwithstanding that, on balance, we have decided not to oppose it. We are supporting the amendments going forward because of the opportunity for the further preservation of our crown land estate for future generations.

There is one other matter. Again, it will be a very small change to a residential lot. I had to chase this one down myself and look for it on Landgate's map viewer. The exchange is part of a transfer of land to the Bundi Yamatji Aboriginal Corporation. We think it is very good that that will happen and the change to the residential lot is very minor and will give the ability to move it for social and cultural benefit as part of the Yamatji Nation Indigenous Land Use Agreement. That is a sensible change. It relates to a residential lot in Beresford in Geraldton.

The final matter I want to comment on is the Lane Poole Reserve and the creation of a national park there. Lane Poole is an area that I certainly frequented when my children were growing up, and we spent many nights camping there. I think many people in this chamber would have had some association with Lane Poole Reserve over time—hiking, camping and canoeing on the river in that region. That is something that we all value. We understand the issues relating to the Alumina Refinery Agreement Act. After some discussion with representatives from Alcoa World Alumina Australia, there seemed to be no objection to the changes.

Again, that was something that we did for our due diligence. We assessed that the department and minister had actually engaged with them. In a general sense, I will say that there was probably a greater opportunity for further engagement in the process and in ensuring that there was a little bit more transparency.

Notwithstanding all of that, the opposition is choosing to support the amendments. It is important that we do the rationalisation and establish the environmental estate going forward and that we also make those important housekeeping changes to those A-class reserves. They play a very vital part in the management of our crown land and in creating ongoing economic opportunities, as in the case of those changes in the northern suburbs of Perth. I just want to say that we support the bill, notwithstanding the little concerns that I raised here today.

Going forward, I encourage the minister to maybe consider having a little more transparency in the process at the next stage if we have any more of these sorts of bills coming before the house. That would be much appreciated. It would make my life a lot easier as a member of the opposition who takes these matters very seriously and does the necessary due diligence to form an informed position for the Liberal Party and the Nationals–Liberal Party room going forward. I do support it.

Sitting suspended from 1.00 pm to 2.00 pm

HON DR STEVE THOMAS (South West — Leader of the Opposition) [2.00 pm]: Obviously, the lead speaker for the opposition has said that the opposition will support the Reserves Bill 2023, and that is absolutely the case. It is not my intention to extend the debate, although I note that there might be some competition as to whether this will be the shortest debate on a bill, so I am probably open to bribes along the way if somebody wants to maintain their record. Having said that, there are a couple of quick questions I would like the minister to address in her reply to the second reading debate, which will not be far away. This is a very small bill that will change a small number of A-class reserves. I would like to get a bit more information on a couple of those, if I could, before we progress to the next bill.

The first concerns the responsibilities around the Dampier to Bunbury natural gas pipeline where it overlaps with a nature reserve in the Shire of Harvey. The minister might be able to provide a more precise explanation of where that is. I have a sneaking suspicion that it will be on the edge of the pine plantations, because that is where it used to run through. Some of the gas pipeline is under private land and some is under government land. The minister could perhaps outline what that change will look like, particularly if we will need to shift or add capacity to the pipeline in the future. If the minister can provide a bit more detail about that, we may not need to go to the committee stage of the bill. If I have a question, I am happy to ask it through a slightly unruly interjection to see whether we can get it sorted.

The second one I am interested in involves the Mt Barker waste management facility. Again, I think I know which one that is, but the minister might be able to give us a bit of detail. I am wondering whether this will involve the shifting of a landfill site. It also might be about the wastewater management company that is based in Albany and has a wastewater process up that way. Is the minister in a position to give us a little bit of detail about that project?

If we can get information on those two projects in the minister's reply to the second reading debate, I think we could progress without going to the committee stage of the bill. We will then have to examine the time frame to see who holds the record! With that, as we have said previously, the opposition supports the bill. It is pretty simple and straightforward, and we will get on with the job.

HON JACKIE JARVIS (South West — Minister for Agriculture and Food) [2.03 pm] — in reply: I thank Hon Neil Thomson, who is away from the chamber on urgent parliamentary business, and Hon Dr Steve Thomas for their contributions to the debate on the Reserves Bill 2023. As we have discussed today, the bill contains a number of amendments to six A-class reserves and a conservation park. The main purpose of the bill is to facilitate the creation of the Helena and Aurora Ranges national park in the goldfields region of WA. As we know, that area is rich in biodiversity. This is a major achievement of the government's Plan for Our Parks commitment, which in total will add five million hectares to our state's conservation estate. A key component of this bill is that it will elevate the Mt Manning reserve to a class A reserve, adding more than 140 000 hectares to the existing national park. This will boost the health of the ecosystem, secure biodiversity and protect the state's natural heritage. Through the reservation proposed in the bill, that national park status will protect the area's geographically important banded-iron formations, which support a unique and diverse natural environment and provide a connection to culture and heritage for Aboriginal people. It will also account for existing mining interests, such as the haul road. Any future mining proposal will be required to go through a parliamentary process that will be subject to disallowance.

As Hon Neil Thomson referred to, the bill will tidy up a number of housekeeping matters by making some slight changes to reserves. This includes the excision of 10 acres of land in Neerabup to enable future residential development and new housing in Perth's northern suburbs. This is part of the long-term land-use planning for the north-west corridor by the Western Australian Planning Commission. The area was zoned urban deferred under the metropolitan region scheme. The Environmental Protection Authority also noted the WAPC's efforts to secure land for conservation purposes to increase the overall size and improve the overall shape of Neerabup National Park. My understanding is that the small parcel of land that will be excised was due to the extension of Mitchell Freeway, which separated a bit of land from the Neerabup area. The bill will improve the overall shape of Neerabup National Park. I also note the impact on conservation values of the national park that would result from the severance due to the extension of Mitchell Freeway. The assessed proposals were considered environmentally acceptable by the EPA and met ministerial conditions, as reported in the report and recommendations of the EPA in bulletin 971 of March 2000. The WAPC facilitated negotiated planning solutions to mitigate the impacts on conservation values under the proposed Clarkson–Butler scheme amendment.

I will move on to the issues raised by members. I thank the opposition for its support of this bill and will go through some of the matters that were raised. During his contribution to the second reading debate, Hon Neil Thomson

raised concerns that maps were not provided, which I appreciate. I note that the Leader of the Opposition's office was provided with maps on 2 November, but I note the first briefing was on 31 October. I think his point was that it might have been helpful to have maps at that first briefing. Briefings on the bill were held on 31 October, and 2, 3 and 6 November. I understand that maps were provided by email to the LOOP office for distribution. As someone who lives in the regions, I certainly had to look up where Neerabup is, and I grew up in Wanneroo! I take that on board, but we certainly did provide maps.

Hon Neil Thomson raised the issue of prospectors or mining explorers. In response to Hon Neil Thomson's concerns, noting he is away on urgent parliamentary business, exploration and mining activities are not wholly excluded from class A national parks; however, for mining to be undertaken within a class A national park, the consent of the Minister for Mines and Petroleum is required, as well as the concurrence of the Minister for Environment.

Hon Dr Steve Thomas: My understanding is that it is very rare for a class A reserve to be mined, because consent is unlikely to be given. At some other point, we might ask a question about how often that occurs.

Hon JACKIE JARVIS: I was not sure whether Hon Neil Thomson was referring to mining as such or to prospectors who go out with a metal detector. It was not clear to me whether he was talking about hobbyists or people who prospect for mining. They are the notes I have before me.

Hon Neil Thomson also asked about the consultation undertaken on Lane Poole Reserve and the Mt Manning reserve. The bill will affect land tenure. Consultation was undertaken with a range of agencies on these changes. In the case of Lane Poole Reserve and Mount Manning Range Nature Reserve, consultation was undertaken by the Department of Biodiversity, Conservation and Attractions. For example, the Mt Manning consultation was undertaken through the Plan for Our Parks process.

I thank Hon Dr Steve Thomas, who had some questions about matters in the south west. Approximately 20 hectares of land will be excised for the waste management facility in Mt Barker. The nature reserve is 235 hectares in total, and about 20 hectares will be excised. He asked where it is. The O'Neill Road waste management facility, operated by the Shire of Plantagenet, is adjacent to the area that is being excised from the nature reserve. It is the main waste facility for the Shire of Plantagenet and operates like any regional rubbish tip, for want of a better word. It includes the sorting of recyclables, green waste, household rubbish, e-waste, whitegoods et cetera. That is where that site is. In 2013, the government became aware that part of that waste management facility was encroaching on the nature reserve when the Shire of Plantagenet requested the land to expand its rubbish disposal reserve, as it was already encroaching into reserve 10003. The encroachment had occurred before 2004, but the exact date is unknown. There is no fence between the reserve and where the waste management facility is. To mitigate the impact, the Shire of Plantagenet agreed to transfer management of reserve 27607 of 55 hectares for conservation. Reserve 27607, reserve 27605 and reserve 800 are proposed to be a nature reserve of approximately 120 hectares. The vegetation on these reserves is suitable for conservation.

Hon Dr Steve Thomas: Is it roughly an equal area, swap for swap? Most offsets are a four-to-one to six-to-one swap these days.

Hon JACKIE JARVIS: No, because only 20 hectares will be excised.

Hon Dr Steve Thomas: And then bringing in a couple of hundred?

Hon JACKIE JARVIS: Yes. Presumably the Shire of Plantagenet is happy with that because the reserves are suitable for conservation.

Hon Dr Steve Thomas: To be honest—I moot this so we don't have to go to Committee of the Whole—there's a lot of shires with lots of little lumps of land that are actually a nuisance and more onerous in managing than is worth it. So, if they can palm it off to the government, they're probably be quite happy to, I suspect.

Hon JACKIE JARVIS: Yes. The *South coast region: Regional management plan 1992–2002* recommended the excise and management of those other reserves proposed to be part of a nature reserve. The member might be right that all parties agree that is a suitable use. As I said, it is a bit of housekeeping to sort some of that out.

As the member mentioned, the pipeline corridor is indeed within the Shire of Harvey. Reserve 49730 is a nature reserve associated with the Dampier to Bunbury natural gas pipeline service corridor. The nature reserve is currently 58 hectares and we are excising 1.4 hectares. The excised land will be transferred to the Department of Planning, Lands and Heritage, which has legislative responsibility for the pipeline service corridor, and re-reserved with a new purpose correctly reflecting the actual land use.

Hon Dr Steve Thomas: Is it going to be the land for the corridor? I assume the pipeline is already separated out, so I presume this is specific to the service corridor.

Hon JACKIE JARVIS: The pipeline corridor was established prior to the creation of the nature reserve. The reserve was created in 2008 and the provision for the pipeline corridor extends back to the late 1990s. Creation of the reserve over the pipeline corridor was likely an administrative oversight. It is basically it will correct that oversight.

The pipeline corridor was always there. Someone drew some lines on a map and created a nature reserve without taking into account the pipeline corridor.

Hon Dr Steve Thomas: You may not be able to answer this, but are you aware of any native vegetation or bush that's being removed? Or is it pine or fairly degraded territory?

Hon JACKIE JARVIS: I understand it is native vegetation, yes. I would hope that if it were pine, with my Minister for Forestry hat on, somebody might have let me know.

Hon Dr Steve Thomas: Never overestimate the ability for government to miss things.

Hon JACKIE JARVIS: We would not like another administrative oversight!

I hope that assists the member with his concerns. I am trying to find whether there are any other notes that I need to go through. Hon Neil Thomson raised some questions. I notice that there are no other members in the chamber who might.

I will quickly speak about consultation because I know Hon Neil Thomson also mentioned it. I advise the house that significant consultation was undertaken with relevant stakeholders, including all the local government authorities, for the amendment process. This was done through a number of processes that led to this bill on environment management plans and native title negotiations and, indeed, establishing a rail line corridor. The bill is a lien on land tenure with the outcome of these processes. In summary, I again thank the opposition for its support of this bill, and the members for their contributions. With that, I commend the bill to the house.

Question put and passed.

Bill read a second time.

[Leave granted to proceed forthwith to third reading.]

Third Reading

HON JACKIE JARVIS (South West — Minister for Agriculture and Food) [2.15 pm]: I move —

That the bill be now read a third time.

HON DR STEVE THOMAS (South West — Leader of the Opposition) [2.15 pm]: I have to time this fairly carefully because there might yet still be time to come in with an appropriate inducement. I will make a couple of quick comments on the third reading stage of the bill. I appreciate the information the minister has given me. Thank you, it is very useful. I appreciate the advice of the minister's advisers. I apologise that they have been dragged in without necessarily having to sit at the table, which is probably a fringe benefit on their part.

One or two quick things before we finish. I appreciate the advice on the pipeline. There is an issue around access, so that is useful. I make the comment that the excision of a class A reserve for waste management will be an ongoing and continuing issue when waste management is a problem. Local governments in regional areas cannot afford to do it properly. At some point, the state will have to step up. The state will have no choice but to engage more fully. In the south west, for example, in my view, the state will have to fund some sort of cooperative recycling and refuse site. Local governments have tried to do it for the best part of 10 to 15 years and have been unable to coordinate it so the state will have to step up. However, there is a precedent, because some of the best places to put waste will be in the conservation estate. I suspect the Minister for Emergency Services, who was the Minister for Environment for a while, had a bit to do with this, but when the south west councils tried to get together to put a combined refuse and recycling plant together, they had a site in Dardanup, and the Shire of Dardanup sold the site before they could progress on it. Then they tried a site in Capel. Basically, everywhere, locals were outraged.

There will be an issue with anywhere we would want to put a refuse and recycling site, which is why it is a good idea to try to keep it away from housing. In my view, that absolutely means that this problem will come back again. Something of a precedent has been set for the next local government looking to excise a site. I accept that this example is an extension of an existing site. I am astounded that there was no fence around it. The blow-off, particularly of light papers and plastics, from a refuse site means that most of them need a chainmail fence just to hold in that stuff. Obviously this extension will allow the Shire of Plantagenet, which is a great shire, to continue its work. However, there is a bit of a precedent that we have to be careful with here because it will be the case in future years that someone will come along and look at that ideal site and determine that it is a good outcome for their local government because it will keep the re-use, recycling and refuse component further away from people. With that, I think the time frame is appropriate and I also commend the bill to the house.

Question put and passed.

Bill read a third time and passed.