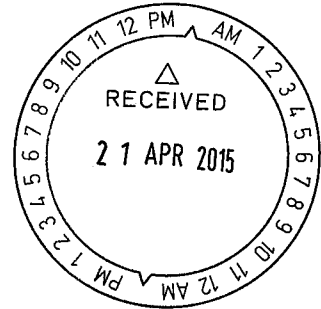




**The Hon Terry Redman MLA  
Minister for Regional Development; Lands;  
Minister Assisting the Minister for State Development**

Our Ref: 39-29808

Hon Simon O'Brien MLC  
Parliament House  
PERTH WA 6000



Dear Simon

**PETITION NO. 42 – REPEAL ENVIRONMENTAL PROTECTION  
(ENVIRONMENTALLY SENSITIVE AREAS) NOTICE 2005**

Thank you for your letter dated 12 March 2005 regarding the above Petition.

While an area of the State can be declared an Environmentally Sensitive Area (ESA) by notice of the Minister under Section 51B of the *Environmental Protection Act 1986*, (the EPA) the EPA does not contain a specific mechanism for noting the ESA on title.

**The following two paragraphs address other possible methods for either noting the title to land with information concerning an ESA.**

Section 70A of the *Transfer of Land Act 1893*, (the TLA) provides that where a Local Government or Public Authority considers it desirable that a proprietor or prospective proprietor be made aware of factors affecting the use and enjoyment of the land, they may lodge with the Registrar a notification under Section 70A setting out those factors. The registered proprietor is a party to the notification. There are no enforcement provisions the entry on title is simply a notification of the factor affecting the use and enjoyment of the land. This is a generic provision for use where there is no specific mechanism for placing a notation on title to land. This provision could be used to note ESA's but only if the owner consents which is potentially likely.

Landgate's Interest Enquiry tool is utilised to identify known interests when transacting or investigating land. This allows defined rights, responsibilities or restrictions that apply to land and property that have been created through legislation, policies or guidelines and impact the intended land use to be shown.

Interest Enquiry is provided through leveraging the Shared Land Information Platform (SLIP) which is a best practice system that provides a wide range of datasets under agreement by Federal, State and Local governments. Landgate's Interest Enquiry tool is a recommended approach for noting ESA's.

### **Summary**

Clearly the amount of land affected by ESA's makes it impractical to enter a record on titles. However, given that it is possible to place a notification on title to land and where it is in the public interest to make small, high value ESA information available, recording that information on the title is an efficient and effective method. To achieve this, the part of the ESA, and the part of land in the relevant title comprising the small high value portion of that ESA, must be defined by a spatial/graphic description and a deposited plan lodged at Landgate so the ESA can be accurately recorded on title.

If you require further information please contact Steve Crowe at Landgate on (08) 92737357 or email to [stephen.crowe@landgate.wa.gov.au](mailto:stephen.crowe@landgate.wa.gov.au).

Yours sincerely

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

**HON TERRY REDMAN MLA  
MINISTER FOR LANDS**

1.7 APR 2015