

RESERVES BILL 2023

EXPLANATORY MEMORANDUM

The purpose of this Bill is to amend various class A reserves and other conservation reserves in order to facilitate several key government commitments and to correct historic operational inconsistencies in land use and management. For efficiency, the amendments proposed in the Bill are presented to Parliament collectively, rather than via individual Bills.

Class A reserves are afforded the highest level of protection, with the *Land Administration Act 1997* requiring that a change to these reserves requires a specific Act of Parliament where it is proposed to:

- cancel the reserve or change its purpose;
- reduce the reserve area by more than the five per cent or one hectare (whichever is the less); or
- excise land for another purpose.

The Bill is necessary to implement two key Government priorities - to elevate the protection of Mount Manning Conservation Park to a class A national park as stage 2 of establishing the Helena and Aurora Ranges National Park, and to excise an area of land previously isolated by the Mitchell Freeway network from the Neerabup National Park to progress the residential development known as the Catalina Estate, in the City of Wanneroo, north of Perth.

The additional amendments included in the Bill are to five other class A reserves. These amendments support implementation of Government policy commitments and will resolve historic operational inconsistencies in land use and management.

An explanation of the Bill on a clause by clause basis follows.

Clause 1 Short Title

This clause provides that when the Bill might be enacted by Parliament and receive Royal Assent, it shall be known as the *Reserves Act 2023*.

Clause 2 Commencement

Provides that sections 1 and 2 of the Act come into operation on the day on which the Act receives Royal Assent, with the rest of the Act commencing on a day to be fixed by proclamation and where different days may be assigned for different parts to this Act.

Clause 3 Act binds Crown

This clause defines that the Act will bind the Crown in Western Australia, so far as the legislative power of the Parliament permits.

Clause 4 Terms used

This clause defines key terms and expressions used throughout the Act to avoid ambiguity and provide legal certainty.

Clause 5 Registrar of Titles to take certain measures

This clause authorises and directs the Registrar of Titles to formally record the amendments given effect to in this Bill in the Register maintained in accordance with the requirements of

the *Transfer of Land Act 1893*. Unless and until these amendments are physically registered in that Register, they have no real effect.

Clause 6 Excision of area from class A reserves

Pursuant to section 45(3) of the *Land Administration Act 1997*, land that is reserved under section 41 of the Act for the purpose of a conservation park, national park or class A nature reserve remains so reserved for that purpose until, by an Act in which that land is specified, it is otherwise enacted.

This clause progresses the excision of the land parcels designated in column 2 from the class A reserves listed in column 1.

The excision from Reserve 27575 implements an amendment to the Metropolitan Region Scheme, via the removal of land from the Neerabup National Park to facilitate an urgent land exchange needed to progress the Catalina Regional Council's (formerly Tamala Park Regional Council) Catalina Estate residential development.

The excision from Reserve 33581 Leda Nature Reserve corrects a historical oversight dating back to the mid-1990s, removing an area which currently overlaps with the Perth to Mandurah rail line.

The excision from Reserve 49730 also corrects a historical oversight by removing an area of the conservation reserve which presently extends across part of the existing and proposed Dampier to Bunbury Natural Gas Pipeline (DBNGP) corridor.

The excision from Reserve 10003, addresses previous encroachment of a landfill site in the vicinity of the Mount Barker township whilst simultaneously securing that site's future expansion.

Clause 7 Amendment to Reserve 48470

This clause changes the purpose of that part of Reserve 48470, Mount Manning Conservation Park comprised of Lots 702, 703, 710, 712, 713, 715, 716, 721 and 723 on Deposited Plan 420726 from "conservation park" to "national park" and confers upon them A Class Reserve status, in order to further expand the area of the Helena and Aurora Ranges National Park.

Clause 8 Amendment to class A Reserve 24591

This clause cancels the existing class A Recreation Reserve 24591, and re-reserves the same land parcel (Lot 1648 on Plan 6688 Certificate of Title Volume LR3010 Folio 301) for a new purpose of Yamatji social, cultural and/or economic benefit (as provided for in the Yamatji Nation Indigenous Land Use Agreement Schedule 11 Annexure A Part A – Category 1 Land item 40), so as to enable the transfer of this land to the Bundi Yamatji Aboriginal Corporation, under the terms of the Yamatji Nation Agreement settlement.

Clause 9 Amendment to class A Reserve 39820

This clause will change the purpose of Reserve 39820, as part of Lane Poole Reserve, from "Conservation park and the agreement defined in section 2 of the *Alumina Refinery Agreement Act 1961*" to "national park". This recognises the conservation and recreational values of the reserve and realises the intent of the Lane Poole Reserve and Proposed Reserve Additions Management Plan 2011, current and past forest management plans and the Draft Forest Management Plan 2024-2033, all area management plans prepared in accordance with the *Conservation and Land Management Act 1984*.