

PARTIAL REVOCATION OF STATE FOREST NOS 22, 29, 49, 36 AND 56

Motion

MRS EDWARDES (Kingsley - Minister for the Environment) [12.17 pm]: I move -

That the proposal for the partial revocation of State Forest Nos 22, 29, 49, 36, and 56 laid on the Table of the Legislative Assembly on the twenty-first day of November 2000 by command of His Excellency the Governor be carried out.

Members will note that this state forest revocation motion affects five state forests. There are four distinct proposals with a combined area of about 68 hectares. The gain to the State through an exchange contingent on one of these proposals is 6 hectares. Further land suitable for inclusion into the forest estate will be acquired using the sale proceeds from one of the other areas in this revocation motion.

Area 1 concerns an application to purchase a small portion of state forest No 22. The area involved is 2 380 square metres. It is situated about 4 kilometres south east of Byford. The applicant is the owner of the adjoining part lot 68 of Cockburn Sound location 466. In 1984 it was discovered that the area in question had been cleared and fenced into the adjoining farm. An investigation revealed that this unauthorised use of state forest began many years earlier. Previous owners of the adjacent land had progressively developed the area to such an extent that in 1984 stockyards and part of a machinery shed were found on it. Also, the area was, and continues to be, used to gain access to part lot 68 off Hella Kipper Drive. Under normal circumstances, arrangements would have been made to shift the fence to the correct alignment, remove any other improvements and arrange rehabilitation of the cleared area. However, such action was not considered practical in this case due to the proximity of a house and farm buildings to the actual northern boundary of part lot 68. In order to regularise the situation, the then owner of lot 68 was granted a lease of the portion of state forest. Since 1984, lot 68 has changed hands twice, with the lease being transferred accordingly.

Retention of the subject area as part of the forest estate offers no advantages to CALM from either the conservation or timber production viewpoint. Conversely, sale of the area would permanently formalise what is already happening on the ground. The applicant has agreed to pay the unimproved market value of the land, to be assessed by the Valuer General's Office just prior to completion of the sale, and to meet all survey, conveyancing and other costs incurred during the transaction. He accepts that the land will only be released on condition that it is amalgamated into the certificate of title for part lot 68.

The proposed excision from state forest No 22 has been referred to the Department of Land Administration, the Ministry for Planning, the Department of Minerals and Energy, Agriculture WA, the Water and Rivers Commission and the Shire of Serpentine-Jarrahdale for comment. No objections were raised by any of these agencies.

Area 2 relates to a land exchange proposal: The proposal involves the release of portions of state forest Nos 29 and 49 adjoining the northern boundary of Nelson location 13048. By way of exchange, the proponent has offered part of Nelson location 5245 for inclusion into the forest estate. The portions of state forest Nos 29 and 49 being sought are situated about 5 kilometres north east of Kirup. They have already been surveyed and have a combined area of 4.7465 hectares. This area forms the whole of the land the subject of CALM lease No 1906/97, which was issued to the proponent in 1996 for the purpose of "Dam Site". An additional area of 8 678 square metres is required to realign Wishart Road around the dam.

In 1993 a dam on location 13048 burst due to an underground spring. Failure of this dam caused a serious water shortage to the proponent's orchard, thereby threatening his livelihood. An investigation revealed that the only viable site for another dam was further downstream in the area of state forest now under consideration. After securing the support of the Shire of Donnybrook-Balingup, the Commissioner of Soil Conservation and the then Water Authority of Western Australia, the proponent was given permission to establish another dam on the area of state forest. Arrangements were made to harvest the marketable timber prior to construction of the dam and subsequent inundation of most of the area. CALM lease No 1906/97 was then issued to formalise the proponent's use of the land. Both the proponent and CALM view the lease as an interim measure pending the completion of a mutually acceptable land exchange.

Action is proceeding on a related proposal to close by deviation the section of Wishart Road that is now under water. Once this closure is finalised, the land involved will be left as closed road until it can be sold to the proponent. It is intended that sale of the former road and release of the land that is to come out of state forest will occur simultaneously. The proponent has agreed to this proposition and accepts that the amount payable for the former road would be the market value at the time of sale, as determined by the Valuer General's Office.

The portion of Nelson location No 5245 on offer for inclusion into state forest No 49 has also been surveyed. It has an identical area to the portions of state forest being sought. It contains healthy stands of jarrah and marri.

The only evidence of disturbance is some rocks that have been dumped on a small portion of the area adjacent to horticultural activity. Acquisition of this 4.7465-hectare area would result in a slight improvement to the forest management boundary and ensure that the overall area and quality of forest in the locality is maintained.

Negotiations with the proponent have resulted in his agreement to meet all costs incurred during the exchange; that is, subdivision costs, conveyancing fees, valuation fees, any further survey costs; construct a new boundary fence and firebreak around the perimeter of the expanded location 13048; and remove the rocks that have been dumped on the portion of Nelson Location 5245 on offer to CALM. It has also been agreed that the exchange is to be on an equal-value basis and that the land earmarked to be excised from state forest will only be released on condition that it is amalgamated into the certificate of title for Nelson location No 13048. The matter has been referred to the Department of Land Administration, the Ministry for Planning, the Department of Minerals and Energy, Agriculture WA, the Water and Rivers Commission and the Shire of Donnybrook-Balingup for comment. No objections were raised by any of these agencies.

Area 3 involves an area of about 38.5 hectares situated approximately 10 kilometres north west of Pemberton. It is proposed to excise this largely developed area from state forest No 36 so that it can be sold to the adjoining landowner. In 1987, the owner of the adjoining property wrote to the then Minister for Agriculture seeking assistance to organise the development of an export-orientated horticultural project on lot 2 of Nelson location No 11968. As the type of project being planned would require a large volume of water, the applicant mainly wanted assistance to secure permission from the then Water Authority of WA and the Department of Land Administration for the building of a dam across Five Mile Brook. However, he also wanted CALM to agree to a lease of part of state forest No 36, which would be inundated following the construction of the dam. To enable the horticultural project to proceed, this request was granted on the understanding that land exchange opportunities would be explored.

Initially, the applicant indicated that he would comply with the exchange requirement. After obtaining a conditional licence from WAWA to construct the dam, the applicant formally applied for the release of an area of about 40 hectares - this includes an unconstructed road survey that crosses the portion of state forest. He also undertook to look for a property to offer to CALM in exchange for the area of state forest. This application was received in August 1988. Five months later, in an attempt to get on with the dam construction during the summer months, the applicant suggested that he simply buy the state forest area and that CALM accept payment upon release of that land. CALM agreed to this proposal, and the applicant subsequently arranged for CALM to receive a bank guarantee to the value of \$60 000. This amount was the unimproved value of the land as assessed by the Valuer General's Office in October 1988, but it does not take into account the value of marketable timber left on the area after it was cleared. Clearing in accordance with WAWA and CALM specifications occurred during 1990 and the bulk of the area is now covered with either water or a kiwi fruit orchard.

Since receiving the bank guarantee, attempts have been made to locate a suitable property for the applicant to purchase and offer back to CALM to complete the exchange but despite considerable time and effort, the search has not been successful. At present, the applicant holds a lease No 3116/10704 from the Department of Land Administration over the portion of the dam site on Nelson location No 13331. He also has a lease No 1707/97 from CALM over the portion of the dam on state forest. If the excision from state forest as now proposed occurs, CALM will seek to use the proceeds from the sale of the land to purchase a property which will fulfil the original intention of an exchange. In accordance with advice from the Water and Rivers Commission, CALM will focus on acquiring a largely cleared property, which is within the Warren River catchment but further upstream than the land proposed for release. Once acquired, CALM will arrange reforestation of the property to compensate for the area cleared on the land sold to the applicant and to help ameliorate salinity in the Warren River catchment. The proposal has been referred to the Department of Land Administration, Agriculture WA, the Ministry for Planning, the Department of Minerals and Energy and the Shire of Manjimup. Although there were no objections, conditions were imposed in relation to further clearing, future rezoning of the land and the need to ensure that the area is amalgamated into the adjoining title. The applicant has agreed to abide by these conditions. He has also been advised that the unimproved market value will apply at the time the land is sold.

Area 4 concerns the Margaret River airstrip, which is situated approximately 2 kilometres north east of the Margaret River town site. The Shire of Augusta-Margaret River has requested that the Margaret River airstrip be excised from the forest estate, set aside as a reserve for a suitable purpose and placed under the control of the shire. The proposed excision has a total area of about 33.4 hectares, which comprises about 23.5 hectares of state forest No 56 and about 9.9 hectares of timber reserve No 60/25. Parliamentary approval is not required to excise land from timber reserves. Aside from the landing ground itself, the proposed excision also includes the future long-term access to the airstrip off Bussell Highway. If the proposal goes ahead, this access will become a dedicated road under the council's control and management. Since 1982, the airstrip has been the subject of a lease issued to the shire. Use of the land for this purpose has an even longer history. It is therefore unlikely that the proposed excision will have an adverse effect on current management practices in the adjoining forest. The

shire is progressively upgrading the airstrip to allow use by Royal Flying Doctor Service aircraft and to cater for limited low-key commercial operations. With that in mind, the council is keen to gain greater security of tenure over its investment. Once fully upgraded, the airstrip will help growth of the local tourism industry by providing quicker access to the district, including CALM-managed tourism facilities such as the caves and Leeuwin-Naturaliste National Park. The proposal was referred to the Department of Land Administration and Minerals and Energy WA, the Water and Rivers Commission and the Civil Aviation Safety Authority for comment. Favourable replies were received from all these instrumentalities.

All four of the proposed revocations in this motion have the support of the Lands and Forest Commission, which is the vesting body for state forest. I recommend the motion to the House.

Debate adjourned, on motion by Dr Edwards.

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