

## STATE FORESTS 22 AND 38

### *Partial Revocation of Dedication — Motion*

**HON DONNA FARAGHER (East Metropolitan — Minister for Environment)** [9.25 pm]: I move —

That the proposal for the partial revocation of state forests 22 and 38 laid on the table of the Legislative Council on Tuesday, 10 November 2009 be carried out, and the Legislative Council invites the Legislative Assembly to agree to a similar resolution.

The state forest revocation proposal that has been tabled affects state forests 22 and 38. The total area proposed to be revoked is about 2.25 hectares. Area 1 comprises three small portions of state forest 22 situated about six kilometres south-east of Byford. A surveyor has discovered that most of the perimeter fences around Cockburn Sound location 871, a private property enclave in state forest 22, are at variance from the surveyed boundaries. This has resulted in some portions of state forest 22 being treated as though they are part of location 871 and vice versa. Parts of a cottage, carport and shed have been erected in state forest. The owner of location 871 and the Department of Environment and Conservation have negotiated a land exchange proposal to tidy up the irregularities with respect to location 871. The areas proposed for exchange have been surveyed and are highlighted in red and yellow on the locality plan provided. Excision of the proposed access road shown in orange has already been approved by Parliament.

It is proposed to excise three portions of state forest 22, having a combined area of 6 446 square metres, for inclusion into location 871 and to gain three portions of location 871 with the same total area as additions to the forest estate by way of exchange. The exchange will minimise the number of perimeter fences that need to be moved to another alignment and thereby keep fence line clearing to a minimum. It will also ensure that the cottage, carport, underground power and shed are formally located an appropriate distance inside the revised legal boundary of location 871.

The revised boundaries will enable DEC to construct a new firebreak on the western edge of the property, which will assist access for fire protection and weed control. The proposed exchange is considered to be of mutual advantage to both the owner and the state. It will formalise some longstanding encroachments into state forest, minimise clearing for new fence alignments and ensure that there is no overall loss of land from the forest estate. The three areas earmarked for excision from state forest will be released on condition that they are amalgamated into the title for location 871.

The proposed exchange has the support of State Land Services in the Department of Regional Development and Lands, the Forest Products Commission, the Department of Mines and Petroleum, the Department of Planning, the Office of the Commissioner of Soil and Land Conservation in the former Department of Agriculture and the Shire of Serpentine–Jarrahdale. The South West Aboriginal Land and Sea Council advised that the claimants have no objections.

Area 2 concerns a request from the Shire of Manjimup to excise an area of about 1.6 hectares next to Quinlinup town site from state forest 38 so that it can become a shire reserve. This small portion of state forest is isolated from other state forests in the vicinity by freehold land to the east, Karri Lane to the north, Wheatley Coast Road to the west and Greater Dordagup National Park to the south. The former Quinlinup Primary School and associated buildings and infrastructure occupy most of the 1.6-hectare area. Following closure of the school in July 2004, this area became the subject of an interim tenancy agreement between the then Department of Conservation and Land Management and the Shire of Manjimup. The shire gained responsibility for the school principal's residence, two classrooms, the school office, the school library, caretaker's shed, water tank, oval, hard courts for tennis and basketball, playground equipment and gardens on the former school site. The agreement allows the shire to sublease this area to the Quinlinup Community Association, which currently uses the former principal's residence as a community centre. The balance of the area proposed for excision is the subject of DEC lease 1823/97, which has an area of about 1 000 square metres and is held by the shire and subleased to the Quinlinup bushfire brigade.

Given the level of past development, there is only a small portion of native vegetation left on the area. The proposed excision is supported because it will formalise the existing situation and facilitate future use by the local community. It is intended that the area be set aside as a reserve for the purpose of "community centre and recreation" and vested in the Shire of Manjimup with the power to lease. The proposed excision was referred for comment to the former Department for Planning and Infrastructure, the Forest Products Commission, the then Department of Environment, the former Department of Industry and Resources, the Soil and Land Conservation Commission in the then Department of Agriculture and the WA Planning Commission; there were no objections. The only condition imposed related to compliance with the clearing regulations, should any further clearing of native vegetation be desired. The Shire of Manjimup has confirmed that it will observe this condition. The then Department for Planning and Infrastructure advised that native title had also been addressed. The Conservation

Commission of Western Australia, the vesting body for state forests, has endorsed both of the proposed revocations. I recommend this revocation proposal to the house.

**HON SALLY TALBOT (South West)** [9.30 pm]: With this partial revocation we have another example of why it would be good to do these things in a more timely fashion. Once again, this is a partial revocation that I brought into the house in 2007. Obviously, given the references to the former Department of Environment, it has been sitting around for a couple of years longer than even that. As the Minister for Environment informed the house, the first part of this partial revocation concerns boundaries that were either wrongly drawn or wrongly interpreted on a map, and I must say that I do not envy the people who own the property at Cockburn Sound location 871 having to live with what must have been a fair degree of uncertainty for a number of years, seeing that they built parts of their house, carport and shed on areas of designated state forest.

I take my hat off to whoever brokered the agreement between such a range of government agencies. The minister has informed the house that the proposed exchange has the support of State Land Services in the Department of Regional Development and Lands, the Forest Products Commission, the Department of Mines and Petroleum, the Department of Planning, the Office of the Commissioner for Land Conservation in the former Department of Agriculture and the Shire of Serpentine-Jarrahdale. We also seem to have satisfied some native title claimants on this issue. I think the person who brokered the agreement should be given responsibility for a bit more around here.

The second excision relates to the Quinlinup town site; clearly, these adjustments are being made a bit after the fact, and the area is obviously historically well established with the use that this revocation will now formalise. I notice that once again, the Conservation Commission of Western Australia has given its stamp of approval to this revocation and on that basis, and for the reasons I have outlined in relation to this and the previous two motions, the opposition will support the motion.

**HON GIZ WATSON (North Metropolitan)** [9.32 pm]: The Greens (WA) are happy to support these revocations also. The presentation provided for this revocation was interesting in that an aerial photo of the area was included so that we could get some idea of the vegetation. Obviously, when a boundary has been either misinterpreted or wrongly surveyed—I am not sure where the fault lies in this regard, but these things happen—the land use that has occurred has effectively removed the native forest, so there are implications. As I understand it, this seems to be a compromise that allows the landowner to continue to use the land in the way it has been used around the buildings that have been constructed, and some land will be provided by way of a swap. I guess that is a reasonable compromise.

I support the comments made earlier by Hon Sally Talbot that these sorts of matters are better dealt with in a timely way. It is a bit like statutory repeals and minor amendments, which come up as regular things. I flag that the Greens (WA) are happy to discuss these things at an earlier stage and to agree to them being put through relatively quickly and without any substantial debate. I am sure that the opposition would be of the same view. In that way, we could perhaps improve the efficiency of the outcome and remove some of the stress from these difficult boundary issues early on. The Greens (WA) are happy to support these revocations.

**HON DONNA FARAGHER (East Metropolitan — Minister for Environment)** [9.35 pm] — in reply: I thank members for their support for this revocation.

Question put and passed.