RESERVES (NATIONAL PARKS, CONSERVATION PARKS AND OTHER RESERVES) BILL 2004

EXPLANATORY MEMORANDUM

The purpose of this Bill is to excise certain areas of land from State forest and timber reserves and other reserves; to cancel the purpose of timber reserves and to cancel other reserves; to reserve land for the purpose of national parks, conservation parks, a nature reserve and another reserve; and to effect certain other changes to land.

The Bill will create ten new national parks, two new conservation parks, a new nature reserve and a new Conservation and Land Management Act 1984 (CALM Act) section 5(1)(h) reserve, and make additions to the existing Mount Frankland National Park, in Western Australia’s south-west forests.

The creation of most of the proposed parks and reserves requires the cancellation of State forest and timber reserves created under the CALM Act and a Land Administration Act 1997 (LA Act) class A reserve.

Under section 9 of the CALM Act, cancellations of State forest require a motion or Bill to be passed by Parliament. Cancellations of some class A reserves are required to be tabled in Parliament, or be by way of an Act in the case of national parks.

The most expedient way to effect the required action is through a single Bill.

This Bill will cancel State forest, a class A reserve, timber reserves and non class A reserves, close unwanted roads and create the final conservation reserves in one process. The reserves created under clauses 7 to 20 inclusive will be vested in the Conservation Commission of Western Australia by virtue of section 7 of the CALM Act. The reserve created under clause 21 will be placed under the care, control and management of the Conservation Commission (section 7 of the CALM Act does not apply to the category of the reserve being created under that clause).

An explanation of the contents of the Bill on a clause by clause basis follows.
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RESERVES (NATIONAL PARKS, CONSERVATION PARKS AND OTHER RESERVES) BILL 2004

Part 1 – Preliminary

Clause 1. Short title
This Act may be cited as the Reserves (National Parks, Conservation Parks and Other Reserves) Act 2004.

Clause 2. Commencement
Different days may be fixed under subsection 2 for different provisions. Section 11 comes into operation on a day fixed by proclamation. All other sections of this Act come into operation on the day on which it receives the Royal Assent.

Clause 3. Terms used in this Act
This clause sets out the definitions applicable to the Bill. Terms defined are:

CALM Act – means the Conservation and Land Management Act 1984;

class A reserve – has the meaning given to that term in the Land Administration Act 1997 section 3(1);

conservation park - has the meaning given to that term in the Conservation and Land Management Act 1984 sections 6(4) and 16B(3);

Crown land – has the meaning given to that term in the Land Administration Act 1997 section 3(1);

LA Act – means the Land Administration Act 1997;

national park - has the meaning given to that term in the Conservation and Land Management Act 1984 sections 6(3) and 16B(3);

unallocated Crown land - has the meaning given to that term in the Land Administration Act 1997 section 3(1).

Clause 4 Plans
The plans referred to in this Act are held by Land Records Management Section of the Department of Land Information, and a specified reference in the Act to an area of land being
shown on a plan is a reference to that area being shown on that plan on the day this Act receives the Royal Assent.

Clause 5. Registrar of Titles to take certain measures

The Registrar of Titles is to take any necessary measures to register the amendments to, reservation and classifications of, and any other changes to land effected by this Act, and for that purpose this Act may be treated as if it were an order under the *Land Administration Act 1997*.

Clause 6. Native title rights and interests

This clause defines the terms *affect* and *native title rights and interests* as having the meaning given to those terms in the NTA sections 227 and 223 respectively, and defines *NTA* as the *Native Title Act 1993* of the Commonwealth. This clause provides that nothing done by or under this Act operates to affect any native title rights and interests, but that where those rights and interests are validly affected under the NTA or a law of this State, this provision does not apply.
Part 2 – National parks

Clause 7. Class A reserve No. 47891 in the Shires of Denmark and Plantagenet

This clause provides for the creation of a new class A national park, provisionally named Mount Lindesay National Park, situated approximately 10 kilometres north of Denmark and comprising an area of about 39,541 hectares.

To that end, this clause provides (1) for the excision of an area of about 36,146 hectares from State forest; (2) for the excision of an area from an unmanaged Crown reserve having the purpose of water; (3) for the cancellation of an unnamed Crown reserve comprising an area of 44.7506 hectares that is vested in the Conservation Commission of Western Australia for the purpose of protection of flora (boronia); (4) for the excision of areas from a Crown reserve having the purpose of water catchment area - Denmark River that is managed by the Water and Rivers Commission; (5) for the excision of areas from an unmanaged Crown reserve having the purpose of Kent River water catchment area; (6) for the excision of an area from an unmanaged Crown reserve having the purpose of native flora; (7) for the cancellation of a Crown reserve comprising an area of 1,111.2766 hectares that is named Sheepwash Creek Nature Reserve and is vested in the Conservation Commission of Western Australia for the purpose of conservation of flora and fauna; and (8) and (9) for the closure of portions of unnamed redundant road reserves, the bulk of which do not contain constructed roads, and the cessation of rights of way over these portions of road reserves [Note: One portion of redundant road reserve being cancelled contains a section of formed road, but only the road reserve is being cancelled, and the portion of formed road within this redundant survey will continue to be used for management purposes]; and (10) details of an easement to be granted to provide access to the proprietors of a freehold land enclave within the national park. The new national park will comprise these areas, described in (11) as the land in Lots 3060, 3061 and 3062 as shown coloured green on Deposited Plan 36450, on the day this Act receives the Royal Assent.

This national park was proposed in Department of Conservation and Land Management’s Southern Forest Region Regional Management Plan 1987 and was carried forward in the approved Forest Management Plan 1994-2003. The proposal was expanded under the Regional Forest Agreement for the South-West Forest Region of Western Australia (May 1999), and the bulk of the originally proposal national park was modified to be classified in the interim as a forest conservation area. The proposal was further expanded under the Protecting our old-growth forests policy and it was also modified to remove the interim forest conservation area classification. The national park is a reserve proposal in the approved Forest Management Plan 2004-2013

Mount Lindesay National Park forms part of the Walpole Wilderness Area and abuts Mount Roe National Park, which is the subject of clause 15 in this Bill.
CREATION OF CLASS A RESERVE No. 47891 (National Park) BY EXCISION
OF PART OF STATE FOREST No. 64, INCLUSION OF CANCELLED RESERVE Nos. 19292 & 35168,
PORTIONS OF RESERVE Nos. 2489, 24660, 29660 & 30456 AND PORTIONS OF UNNAMED ROADS

Legend

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Scale 1 : 200000
Clause 8. Class A reserve No. 47889 in the Shires of Denmark and Manjimup

This clause provides for the creation of a new class A national park, provisionally named Mount Frankland South National Park, situated approximately five kilometres west of Walpole and comprising an area of about 42,283 hectares.

To that end, this clause provides (1) for the excision of areas totalling about 38,869 hectares from six State forests; (2) for the cancellation of a State forest comprising an area of about 1,724 hectares; (3) to (5) for the closure of portions of unnamed and unsurveyed redundant road reserves, the bulk of which do not contain constructed roads, and the cessation of rights of way over these portions of road reserves [Note: Two portions of the redundant road reserves being cancelled contain sections of formed roads, but only the road reserves are being cancelled, and the portions of formed roads within these redundant surveys will continue to be used for management purposes]; and (6) for the excision of an area from a Crown reserve having the purpose of water supply which is managed by the Water and Rivers Commission. The new national park will comprise these areas, described in (7) as the land in Lot 333 as shown coloured green on Deposited Plan 36448, on the day this Act receives the Royal Assent.

Part of this national park was originally proposed under the Regional Forest Agreement for the South-West Forest Region of Western Australia (May 1999). The proposal was expanded significantly under the Protecting our old-growth forests policy by the inclusion of adjacent areas. The national park is a reserve proposal in the approved Forest Management Plan 2004-2013.

Mount Frankland South National Park forms part of the Walpole Wilderness Area and abuts one of the areas that is being added to the existing Mount Frankland National Park at clause 11 in this Bill.
CREATION OF CLASS A RESERVE No. 47889 (National Park) BY CANCELLATION OF STATE FOREST No 44, EXCISION OF PARTS OF STATE FOREST Nos 41,43,46,47,48 AND 59, INCLUSION OF PART RESERVE No. 31501 AND PORTIONS OF UNSURVEYED AND UNNAMED ROADS.
Clause 9. Class A reserve No. 47885 in the Shires of Bridgetown-Greenbushes, Donnybrook-Balingup and Nannup

This clause provides for the creation of a new class A national park, provisionally named Dalgarup National Park, situated approximately 12 kilometres west of Bridgetown and comprising an area of about 2,377 hectares.

To that end, this clause provides (1) for the excision of 2,374 hectares from State forest; and (2) and (3) for the closure of a portion of an unnamed redundant road reserve and the cessation of rights of way over that portion of road reserve. The new national park will comprise these areas, described in (4) as the land in Lot 300 as shown coloured green on Deposited Plan 36444, on the day this Act receives the Royal Assent.

This national park was proposed as an outcome of the Government’s high conservation value assessment of specified forest blocks and additional areas throughout the south-west forests (that were not already proposed for addition to the formal conservation reserve system) against specific criteria. Dalgarup National Park is a reserve proposal in the approved Forest Management Plan 2004-2013. The national park being created in this clause varies from the proposal as shown in the Forest Management Plan 2004-2013 by the exclusion of an area on the western boundary, which is to be retained as State forest to allow for the potential development in the short to medium term of a reservoir and dam on Gregory Brook, subject to the normal environmental approvals, to supplement existing water supplies in the Bridgetown region and service the additional towns of Greenbushes, Balingup, Mullalyup and Kirup.
CREATION OF CLASS A RESERVE No. 47885 (National Park) BY EXCISION OF PART OF STATE FOREST No. 34 AND A PORTION OF AN UNNAMED ROAD

Legend

- New Reserve
- Freehold land in name of Exec. Dir. CALM
- State Forest

Scale 1 : 75000
Clause 10. Class A reserve No. 47888 in the Shire of Manjimup

This clause provides for the creation of a new class A national park, provisionally named Mount Frankland North National Park, situated approximately 30 kilometres north of Walpole and comprising an area of about 22,053 hectares.

To that end, this clause provides (1) for the excision of areas totalling 22,051 hectares from two State forests; and (2) and (3) for the closure of portions of unnamed redundant road reserves that do not contain constructed roads and the cessation of rights of way over these portions of road reserves. The new national park will comprise these areas, described in (4) as the land in Lot 3020 as shown coloured green on Deposited Plan 36447, on the day this Act receives the Royal Assent.

This national park was proposed in the Protecting our old-growth forests policy and is a reserve proposal in the approved Forest Management Plan 2004-2013.

Mount Frankland North National Park forms part of the Walpole Wilderness Area and abuts Lake Muir and Mount Roe National Parks, which are the subjects of clauses 13 and 15 respectively in this Bill.
CREATION OF CLASS A RESERVE No. 47888 (National Park) BY EXCISION
OF PARTS OF STATE FOREST Nos. 55 AND 59, AND PORTIONS OF UNNAMED ROAD
Clause 11. Class A reserve No. 40837 in the Shire of Manjimup (Mount Frankland National Park)

The existing class A reserve No. 40837, Mount Frankland National Park, was created on 23 December 1998, is situated approximately 18 kilometres north of Walpole, and comprises an area of about 30,830 hectares. Clause 14 of the Reserves (National Parks, Conservation Parks and Nature Reserves) Bill 2004 that was introduced to Parliament on 23 June 2004 provides for the addition to Mount Frankland National Park of 261.9920 hectares adjacent to its current northern boundary.

This clause provides for the addition of further areas totalling about 6,267 hectares adjacent the national park’s northern and western boundaries.

To that end, this clause provides (1) for the excision of areas totalling about 6,267 hectares from two State forests. The expanded class A reserve No. 40837, Mount Frankland National Park, will comprise the area described in (2) as the land in Nelson Locations 13309, 13310 and 13489 and Hay Location 2365 as shown bordered red on Deposited Plans 240296, 240297 and 219163, and the land in Lots 310, 311 and 312 as shown coloured green on Deposited Plan 43042.

This clause cannot come into operation until clause 14 of the Reserves (National Parks, Conservation Parks and Nature Reserves) Bill 2004 has been enacted. Accordingly, this clause comes into operation on a day to be fixed by proclamation.

These additions to Mount Frankland National Park were proposed in the Protecting our old-growth forests policy and are proposals in the approved Forest Management Plan 2004-2013.

Mount Frankland National Park forms part of the Walpole Wilderness Area.
ADDITIONS TO CLASS A RESERVE No. 40837 (National Park) BY EXCISION OF PARTS OF STATE FOREST Nos. 41, 55 AND 59.
Clause 12. Class A reserve No. 47887 in the Shires of Busselton and Augusta-Margaret River

This clause provides for the creation of a new class A national park, provisionally named Whicher National Park, situated approximately 18 kilometres south-east of Busselton and comprising an area of about 6,343 hectares.

To that end, this clause provides (1) for the excision an area of about 6,330 hectares from State forest; and (2) and (3) for the closure of portions of unnamed redundant road reserves that do not contain constructed roads and the cessation of rights of way over these portions of road reserves. The new national park will comprise these areas, described in (4) as the land in Lot 301 as shown coloured green on Deposited Plan 43036, on the day this Act receives the Royal Assent, and will (5) be limited to a depth of 200 metres from the natural surface of that land in recognition of the gas resource potential of the area.

The area in this national park was originally proposed to become a nature reserve in the Department of Conservation and Land Management’s Central Forest Region Regional Management Plan 1987, a proposal that was carried forward in the approved Forest Management Plan 1994-2003. The area covered by the proposal was decreased under the Regional Forest Agreement for the South-West Forest Region of Western Australia (May 1999), when an eastern portion was excluded. The eastern area was subsequently reinstated under the Protecting our old-growth forests policy, and the proposed land category for the entire original proposal was modified from nature reserve to national park. The national park being created in this clause is a reserve proposal in the approved Forest Management Plan 2004-2013.
CREATION OF CLASS A RESERVE No. 47887 (National Park) BY EXCISION OF PART OF STATE FOREST No. 33 AND INCLUSION OF PORTIONS OF UNNAMED ROADS
Clause 13. Class A reserve 47886 in the Shires of Manjimup and Cranbrook

This clause provides for the creation of a new class A national park, provisionally named Lake Muir National Park, situated approximately 20 kilometres west of Rocky Gully and comprising an area of about 9,625 hectares.

To that end, this clause provides (1) for the excision of an area of about 9,611 hectares from State forest; and (2) to (4) for the closure of portions of unnamed redundant road reserves that do not contain constructed roads and the cessation of rights of way over these portions of road reserves. The new national park will comprise these areas, described in (5) as the land in Lot 3065 as shown coloured green on Deposited Plan 36445, on the day this Act receives the Royal Assent.

This national park was proposed in the Protecting our old-growth forests policy and is a reserve proposal in the approved Forest Management Plan 2004-2013.

[Note: Lake Muir National Park as proposed in the Protecting our old-growth forests policy and approved in the Forest Management Plan 2004-2013 also includes the existing Lake Muir Nature Reserve, and an additional area of about 310 hectares of State forest with boundaries abutting two separate sections of Lake Muir Nature Reserve. The proposal for these areas has been modified to retain Lake Muir Nature Reserve as a nature reserve, and the area of State forest that links the two sections of Lake Muir Nature Reserve is now proposed be added to that nature reserve to consolidate its boundaries, rather than to the national park.]

Lake Muir National Park abuts Mount Frankland North and Mount Roe National Parks, which are the subjects of clauses 10 and 15 respectively in this Bill.
CREATION OF CLASS A RESERVE No. 47886 (National Park) BY EXCISION OF PART OF
STATE FOREST No. 55 AND INCLUSION OF PORTIONS OF UNNAMED ROADS.

Legend
- New Reserve
- Existing Conservation Reserve
- State Forest/Timber Reserve

Scale 1 : 140000

A △ 31880
Water & Cons. of Flora & Fauna

A △ 47886
Clause 14. Class A reserve No. 47878 in the Shires of Manjimup and Nannup

This clause provides for the creation of a new class A national park, provisionally named Greater Hawke National Park, situated approximately 15 kilometres south of Pemberton and comprising an area of about 14,004 hectares.

To that end, this clause provides (1) for the excision of areas totalling about 13,943 hectares from two State forests; and (2) and (3) for the closure of portions of unnamed redundant road reserves that do not contain constructed roads and the cessation of rights of way over these portions of road reserves. The new national park will comprise these areas, described in (4) as the land in Lots 3091, 3092, 3093 and 3094 as shown coloured green on Deposited Plan 36434, on the day this Act receives the Royal Assent.

This national park incorporates the area that was originally proposed in the approved Forest Management Plan 1994-2003, and subsequently modified under the Regional Forest Agreement for the South-West Forest Region of Western Australia (May 1999), to comprise Hawke National Park. Greater Hawke National Park as proposed in the Protecting our old-growth forests policy includes an area that was revoked under the Regional Forest Agreement and additional areas, including the area that was originally proposed to become the Dombakup Conservation Park in the Department of Conservation and Land Management’s Southern Forest Region Regional Management Plan 1987. The reserve being created in this clause is an amalgamation of the reserve proposals that are in the approved Forest Management Plan 2004-2013 for Hawke and Greater Hawke National Parks.
CREATION OF CLASS A Reserve No. 47878 (National Park) BY EXCISION OF PARTS OF STATE FOREST Nos. 36 AND 39 AND INCLUSION OF PORTIONS OF UNNAMED ROADS.

Legend

- New Reserve
- Existing Conservation Reserve
- State Forest/Freehold land held in name of Ex.Dir. CALM
Clause 15. Class A reserve 47890 in the Shires of Denmark, Manjimup and Plantagenet

This clause provides for the creation of a new class A national park, provisionally named Mount Roe National Park, situated approximately 25 kilometres north-west of Denmark, and comprising an area of about 127,726 hectares.

To that end, this clause provides (1) for the excision of areas totalling about 40,347 hectares from four State forests; (2) for the cancellation of an unmanaged Crown reserve having the purpose of timber; (3) for the cancellation of an unnamed Crown reserve comprising an area of 1,127.9484 hectares that is vested in the Conservation Commission of Western Australia for the purpose of conservation of flora and fauna; (4) for the excision of areas from a Crown reserve having the purpose of water catchment area - Denmark River that is managed by the Water and Rivers Commission; (5) for the excision of areas from an unmanaged Crown reserve having the purpose ofKent River water catchment area; (6) for the cancellation of an unmanaged Crown reserve having the purpose of gravel; (7) for the cancellation of a Crown reserve having the purpose of water supply that is managed by the Water and Rivers Commission; (8) for the cancellation of an unnamed Crown reserve comprising an area of about 16,039 hectares that is vested in the Conservation Commission of Western Australia for the purpose of national park; and (9) to (12) for the closure of portions of named and unnamed redundant road reserves that do not contain constructed roads and the cessation of rights of way over these portions of road reserves. The new national park will comprise these areas, described in (13) as the land in Lot 340 as shown coloured green on Deposited Plan 36449, on the day this Act receives the Royal Assent.

Part of the area in this new national park was originally proposed in the approved Forest Management Plan 1994-2003 to become a conservation reserve under (the former) section 5(g) of the Conservation and Land Management Act 1984. This proposal was modified under the Regional Forest Agreement for the South-West Forest Region of Western Australia (May 1999), resulting in the original area and additional adjacent areas being proposed as a national park, with parts of the area being proposed for classification in the interim as forest conservation areas. These proposals were subsequently modified under the Protecting our old-growth forests policy to remove the interim forest conservation area classification, and the national parks is a proposal in the approved Forest Management Plan 2004-2013.

Mount Roe National Park forms part of the Walpole Wilderness Area and abuts Mount Lindesay, Mount Frankland South, Mount Frankland North and Lake Muir National Parks, which are the subjects of clauses 7, 8, 10 and 13 respectively in this Bill.
CREATION OF CLASS A RESERVE No. 47890 (National Park) BY EXCISION OF PARTS OF STATE FOREST Nos. 43, 55, 59 AND 64, INCLUSION OF CANCELLED RESERVE Nos. 15167, 19881, 30039, 38778 AND 45995, PORTIONS OF RESERVE Nos. 24660 AND 29660 AND PORTIONS OF NAMED AND UNNAMED ROADS.
Clause 16. Class A reserve No. 47877 in the Shire of Nannup

This clause provides for the creation of a new class A national park, provisionally named Easter National Park, situated approximately 16 kilometres south of Nannup and comprising an area of about 2,985 hectares.

To that end, this clause provides (1) for the excision of areas totalling about 2,981 hectares from two State forests; and (2) to (4) for the closure of portions of named redundant road reserves, the bulk of which do not contain constructed roads, and the cessation of rights of way over these portions of road reserves [Note: One portion of redundant road reserve being cancelled contains a section of formed road, but only the road reserve is being cancelled, and the portion of Iffley Road within this redundant survey will continue to be used for management purposes]. The new national park will comprise these areas, described in (5) as the land in Lots 3010 and 3011 as shown coloured green on Deposited Plan 36433, on the day this Act receives the Royal Assent.

This national park was proposed in the Protecting our old-growth forests policy. It incorporates the area that was originally proposed in the Department of Conservation and Land Management’s Southern Forest Region Regional Management Plan 1987 to comprise the Dickson Nature Reserve. The proposed nature reserve was expanded under the Regional Forest Agreement for the South-West Forest Region of Western Australia (May 1999), which also proposed that the area be classified in the interim as a forest conservation area. The national park is a reserve proposal in the approved Forest Management Plan 2004-2013.
CREATION OF CLASS A RESERVE No. 47877 (National Park) BY EXCISION OF PARTS OF STATE FOREST Nos. 35 AND 58 AND INCLUSION OF PORTIONS OF NAMED ROADS.
Clause 17. Class A reserve No. 47956 in the Shire of Augusta-Margaret River

This clause provides for the creation of a new class A national park, provisionally named Bramley National Park, situated near Margaret River townsite and comprising an area of about 3,892 hectares.

To that end, this clause provides (1) for the excision of an area of about 1,271 hectares from State forest; (2) for the excision of an area of about 2,142 hectares from a timber reserve that was created under the Conservation and Land Management Act 1984; (3) for the cancellation of an unmanaged Crown reserve having the purpose of water; and (4) to (10) for the closure of portions of named and unnamed redundant road reserves, the bulk of which do not contain constructed roads, and the cessation of rights of way over these portions of road reserves [Note: Two portions of the redundant road reserves being cancelled contain sections of formed roads, but only the road reserves are being cancelled, and the portions of formed roads within these redundant surveys will continue to be used for management purposes]. The new national park will comprise these areas, described in (11) as the land in Lots 350, 351 and 352 as shown coloured green on Deposited Plan 36437, on the day this Act receives the Royal Assent.

This national park was proposed under the Regional Forest Agreement for the South-West Forest Region of Western Australia (May 1999) and is a reserve proposal in the approved Forest Management Plan 2004-2013.
CREATION OF CLASS A RESERVE No. 47956 (National Park) BY EXCISION OF PART OF STATE FOREST No. 56 AND TIMBER RESERVE No. 60/25, INCLUSION OF FORMER RESERVE No. 27710 AND PORTIONS OF NAMED AND UNNAMED ROADS.
Part 3 – Conservation parks

Clause 18. Class A reserve No. 47892 in the Shire of Bridgetown-Greenbushes

This clause provides for the creation of a new class A conservation park, provisionally named Hester Conservation Park, situated approximately six kilometres north-east of Bridgetown and comprising an area of about 2,302 hectares.

To that end, this clause provides (1) for the excision of an area of about 1,480 hectares from a State forest; (2) for the excision of an area of about 34 hectares from a timber reserve that was created under the Conservation and Land Management Act 1984; and (3) for the cancellation of a timber reserve that was created under the Conservation and Land Management Act 1984 comprising an area of about 781 hectares. The new conservation park will comprise the area described in (4) as the land in Lots 323, 324, 325, 326 and 327 as shown coloured green on Deposited Plan 43037, on the day this Act receives the Royal Assent.

The eastern section of the reserve being created in this clause was originally proposed in the approved Forest Management Plan 1994-2003 to comprise part of a conservation park (together with a western area that was subsequently modified under the Regional Forest Agreement for the South-West Forest Region of Western Australia (May 1999) to be classified as an interim forest conservation area). The proposed conservation park has been expanded under the Protecting our old-growth forests policy. The reserve is a proposal in the approved Forest Management Plan 2004-2013.
CREATION OF CLASS A RESERVE No. 47892 (Conservation Park) BY EXCISION OF PART OF STATE FOREST No. 30, AND TIMBER RESERVE No. 152/25 AND INCLUSION OF CANCELLED TIMBER RESERVE No 162/25.
Clause 19. Reserve No. 47893 in the Shire of Donnybrook-Balingup

This clause provides for the creation of a new conservation park, provisionally named Kerr Conservation Park, situated approximately eight kilometres north-east of Balingup and comprising an area of about 307 hectares.

To that end, this clause provides (1) for the excision of an area of about 307 hectares from a State forest. The new conservation park will comprise this area, and is described in (2) as the land in Lot 3001 as shown coloured green on Deposited Plan 43038, on the day this Act receives the Royal Assent.

This conservation park was proposed in the *Protecting our old-growth forests* policy and incorporates an additional area that is adjacent to the reserve proposal depicted in the approved *Forest Management Plan 2004-2013*. 
CREATION OF RESERVE No. 47893 (Conservation Park)
BY EXCISION OF PART OF STATE FOREST No. 29.
Part 4 – Other reserves

Clause 20. Class A reserve No. 47879 in the Shires of Boyup Brook, Manjimup and Cranbrook

This clause provides for the creation of a new class A nature reserve for the purpose of conservation of flora and fauna, provisionally named Tone-Perup Nature Reserve, situated approximately 35 kilometres east of Manjimup and comprising an area of about 55,935 hectares.

To that end, this clause (1) defines the term “relevant easement” and provides (2) for the excision of areas totalling about 45,444 hectares from three State forests; (3) for the cancellation of four timber reserves that were created under the Conservation and Land Management Act 1984 with areas totalling about 9,094 hectares; (4) for the cancellation of an unmanaged Crown reserve having the purpose of gravel; (5) for the cancellation of an unmanaged Crown reserve having the purpose of water; (6) for the cancellation of a Crown reserve comprising an area of 42,4920 hectares that is named Mordalup Nature Reserve and is vested in the Conservation Commission of Western Australia for the purpose of conservation of flora and fauna; (7) for the cancellation of an unmanaged Crown reserve having the purpose of government requirements; (8) for the cancellation of an unnamed Crown reserve comprising an area of 149.5344 hectares that is vested in the Conservation Commission of Western Australia for the purpose of conservation of flora and fauna; (9) to (17) for the closure of portions of named and unnamed redundant road reserves, the bulk of which do not contain constructed roads, and the cessation of rights of way over these portions of road reserves [Note: Two portions of the redundant road reserves being cancelled contain sections of formed roads, but only the road reserves are being cancelled, and the portions of Lake Muir Road and an unnamed formed road within these redundant surveys will continue to be used for management purposes]; and (18) and (19) details of two easements to be granted to provide access to the proprietors of freehold land enclaves within the national park. The new national park will comprise these areas, described in (20) as the land in Lots 3025, 3026, 3027 and 3028 as shown coloured green on Deposited Plan 36435, and Nelson Locations 10930 and 13189 as shown bordered red on Deposited Plans 216083 and 183549 on the day this Act receives the Royal Assent.

This nature reserve was proposed in the Department of Conservation and Land Management’s Southern Forest Region Regional Management Plan 1987, and was carried forward and expanded in the approved Forest Management Plan 1994-2003. Parts of the proposed nature reserve were revoked under the Regional Forest Agreement for the South-West Forest Region of Western Australia (May 1999). These areas were reinstated under the Protecting our old-growth forests policy. An additional area was also included under the policy, and the entire area was proposed to become a national park. The national park proposal was carried forward in the approved Forest Management Plan 2004-2013. However, subsequently, as an outcome of the consultation process that has been undertaken to finalise the boundaries of this reserve, it has been determined that the area is to be set aside as a nature reserve, rather than a national park.
CREATION OF CLASS A RESERVE No. 47879 (Conservation of Flora & Fauna) BY EXCISION OF PORTIONS OF STATE FOREST Nos. 37, 38 AND 55, CANCELLATION AND INCLUSION OF TIMBER RESERVE Nos. 130/25, 135/25, 140/25 AND 141/25, INCLUSION OF FORMER RESERVE Nos. 3419, 18799, 19051, 30018 AND 32723 AND PORTIONS OF NAMED AND UNNAMED ROADS.

Legend
- New Reserve
- Existing Conservation Reserve
- State Forest

Scale 1:220000
Clause 21. Reserve No. 46405 in the Shire of Denmark

This clause provides for the creation of a new CALM Act section 5(1)(h) reserve for the purpose of conservation, recreation, future reservoir and water infrastructure, which straddles sections of the Denmark River, is situated approximately 15 kilometres north-west of Denmark, and comprises an area of about 876 hectares.

To that end, this clause provides (1) for the excision of an area of about 855 hectares from a State forest; (2) for the excision of areas from a Crown reserve having the purpose of water catchment area - Denmark River that is managed by the Water and Rivers Commission; and (3) and (4) for the excision of an area from an unmanaged Crown reserve having the purpose of water and the cancellation of that reserve. The new reserve will comprise these areas, described in (5) as the land in 351, 352, 353, 354 and 355 as shown coloured green on Deposited Plan 43051, and will be placed under the care, control and management of the Conservation Commission of Western Australia on the day this Act receives the Royal Assent.

This new reserve is being created over the anticipated area of inundation of a potential future reservoir which may be constructed on the Denmark River, subject to the normal environmental approvals, within the next 15 years. The area is proposed in the approved Forest Management Plan 2004-2013 to form part of the proposed Mount Lindesay and Mount Roe National Parks (subjects of clauses 7 and 15 respectively in this Bill).
CREATION OF RESERVE No. 46405 (Conservation, recreation, future reservoir and water infrastructure) BY EXCISION OF PART OF STATE FOREST No. 64 AND INCLUSION OF PARTS OF RESERVE Nos. 2489 AND 24660